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Security Council

Fifty-sixth year

Provisional

4309th meeting

Monday, 9 April 2001, 10.50 a.m.

New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Shen Guofang
	Colombia	Mr. Franco
	France	Mr. Levitte
	Ireland	Mr. Cooney
	Jamaica	Miss Durrant
	Mali	Mr. Kassé
	Mauritius	Mr. Neewoor
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Kulyk
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

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01-32572 (E)

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1998) and 1244 (1999)

The President: I shall be presiding over this meeting in informal style, as we did with the meeting on East Timor on 6 April. The Council should be aware that I have received a letter from the representative of Yugoslavia, in which he asked to participate in this morning's discussion, so I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sahović (Yugoslavia), took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

This meeting will start with a briefing from the Under-Secretary-General after his recent visit to the region and will pursue an interactive style, whereby members of the Council can, after the briefing, apply to the presidency, as we often do in informal consultations. If speakers raise questions, I may turn to Mr. Guéhenno during the course of the discussion so that he can pick up questions as we go along.

I understand that some non-Council members would like to speak. I shall invite them to come to the table as they have applied.

I now give the floor to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

Mr. Guéhenno: I am pleased to provide members of the Security Council with an update on the developments in Kosovo since the last briefing, which was made by Special Representative of the Secretary-General Haekkerup on 16 March. I am also pleased indeed to be able to provide Council members with some personal insights since, as the President remarked, I paid a visit to Kosovo last week.

I will comment on the progress in the priority areas outlined by Mr. Haekkerup at the beginning of his tenure as Special Representative of the Secretary-General, as well as on recent developments in the former Yugoslav Republic of Macedonia that have had a negative impact on the United Nations Interim Administration Mission in Kosovo (UNMIK) and on Kosovo as a whole over the past couple of weeks.

The first priority set by Special Representative Haekkerup was the development of a Kosovo legal framework as a precondition for Kosovo-wide elections. UNMIK continues to be engaged in an intensive exercise to elaborate the legal framework for provisional self-government. The joint Working Group constituted for this purpose is discussing areas of responsibility to be transferred under a provisional self-government, the composition of an assembly and the electoral system to be used. To date, a skeleton structure for a legal framework for provisional self-government has been elaborated. It includes headings on powers and responsibilities, the legislature, the executive, human rights, community rights and an ombudsperson. General agreement has been reached on elements to be included in the framework's preamble, as well as on the chapters on basic provisions and the principles to be observed by the provisional institutions of self-government.

The Kosovo Albanian members of the Working Group have, predictably, advocated the fullest possible transfer of authority to local control following Kosovo-wide elections, and they persist in their demand to name the document an interim constitution. It has been made very clear that crucial areas of responsibility will remain under the direct authority of the Special Representative of the Secretary-General — areas such as law enforcement, external relations, community rights protection and ultimate budgetary control. Throughout the consultations, UNMIK has staunchly

advocated the protection of the rights and interests of all communities and the sovereignty and the territorial integrity of the Federal Republic of Yugoslavia, in accordance with Security Council resolution 1244 (1999).

As the Council is aware, there is still no Kosovo Serb representation in the Working Group. UNMIK continues to encourage the Kosovo Serb community to resume participation. That was one of the issues discussed between Special Representative Haekkerup and President Kostunica in their meeting on Thursday, 5 April. During that meeting, President Kostunica indicated his support for the participation of a Kosovo Serb expert, as long as such representation can be backed up by expert support. The Special Representative supported that and indicated that UNMIK would take specific steps to ensure that the authorities of the Federal Republic of Yugoslavia are also informed directly about the work on the legal framework, as requested in the Council's presidential statement of 16 March 2001.

Kosovo's other communities are actively engaged in the consultation process. To ensure inclusiveness, a consultation mechanism has been created for those representatives of minority communities not directly represented in the Working Group. To date, representatives of the Kosovo Bosniac, Turkish, Roma, Ashkalija and Gorani communities have met twice with the Kosovo Bosniac member of the Working Group to discuss their input into the process. To facilitate that input, representatives of all the communities have received the documentation forming the basis of the Working Group's deliberations. The Working Group is scheduled to complete its work in the very near future. In that respect, I would indeed hope that the Kosovo Serb representation, as it was agreed in Belgrade last Thursday, materializes in the very near future.

Once the Working Group has finished its work, the Special Representative will conduct consultations with the international community, countries of the region — including Belgrade — and, first and foremost, the representatives of the communities of Kosovo. Only then will he take the final decision on the legal framework. As I told the Kosovars during my visit, I believe that the progress made so far will make elections possible this year.

Alongside the elaboration of the legal framework, a key aspect is the establishment of democratically functioning municipal assemblies, an area in which further progress has been made. As UNMIK continues to devolve competencies to the municipalities in line with regulation 45, on self-government of municipalities, the majority of the Municipal Assemblies are ready to begin formulating strategic policy through the establishment of policy and finance committees. That will be the first real test of the capability to self-govern at the municipal level. A lingering concern in that regard, however, is the continuing polarization of the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK), and the apparent politicization of municipal civil administration.

There has been mixed progress in the assumption of reserved seats by the communities. For the most part, representatives of Kosovo Turks, Bosniacs, Romas, Ashkalijas and Egyptians have accepted their appointments as co-opted members and are also represented as additional Deputy Presidents in three Assemblies. Progress has been slower with the Kosovo Serb community, where participation is limited to five municipalities. There have been very recent signs that more Kosovo Serbs are now willing to participate, however, and UNMIK will make every effort to build on those visible signs of cooperation. I think that if we want to move forward on the Kosovo-wide level, it is essential that concrete progress be made at the municipal level. I think the two processes should help each other.

As far as election preparations are concerned, in parallel with the work on the legal framework, the institution-building pillar — namely, the Organization for Security and Cooperation in Europe (OSCE) — has begun preparatory work for Kosovo-wide elections on the basis of a "2+6" timeline. That is to say, a two-month build-up and six months for registration and election operations. One of the first priorities is to update and integrate the civil and voter registry. To that end, United Nations civil administration and the institution-building pillar have agreed to conduct simultaneous registration.

Another priority in that respect is out-of-Kosovo registration and election operations to enable those who left Kosovo after 1 January 1998 to register and participate in the elections. UNMIK is sending out signals on all fronts that it is essential for Kosovo Serbs to register, participate in the elections and stake their claim in Kosovo. The Deputy Special

Representative of the Secretary-General for institution building recently met with Foreign Minister Svilanovic of the Federal Republic of Yugoslavia, who undertook to cooperate in the registration of ethnic communities and of internally displaced persons in the Federal Republic of Yugoslavia. I think that this represents a major step forward and sends a strong signal that we see the ability of Kosovo Serbs to return to Kosovo as a future goal.

(*spoke in French*)

Let me refer now to the second priority of which the Special Representative of the Secretary-General has spoken: to consolidate law enforcement and the judicial system. Law and order and developing the rule of law in Kosovo are top priorities for UNMIK. With a view to enhancing UNMIK's ability to combat organized crime, there has been a great effort to streamline police and judicial institutions into a new single UNMIK pillar. Our objective with this new mission structure is to enable the police and the judiciary to respond more effectively to crime in Kosovo. It is a way to act more effectively to establish an unbiased and completely fair judicial system, initially with international participation and with reform of the judicial system. That new pillar will help make possible the planned expansion of the Kosovo Police Service (KPS) from the present target of 4,000 police officers to 6,000 by the end of 2002. It will also be necessary to expand prison and detention facilities in Kosovo to ensure continuity from detention through trial and to make sure that the accused are held in adequate conditions and that they are duly tried.

UNMIK's continued efforts to break the cycle of the criminal impunity that is enjoyed by some criminals and to tackle organized crime have met with some success in recent weeks. Let me highlight a joint arrest operation carried out by the Kosovo Force (KFOR) and UNMIK, which recently resulted in the arrest and detention of four suspects in connection with the tragic mid-February Merdare bus bombing, in which 10 Kosovo Serbs were killed. The swift and resolute action undertaken by the police, by UNMIK and by KFOR and our joint efforts to fight crime in Kosovo are an essential confidence-building measure to restore trust among the various communities. Additionally, in the context of recent action to fight organized crime and the consolidation of peace in Kosovo, the trial of a high-profile suspect accused of organized criminal activity is scheduled to be completed soon. Hence, there is progress in this field.

In that context, let me remind the Council that UNMIK needs more international judges and prosecutors to deal with the increase in sensitive cases, such as those relating to ethnic crime and organized crime. The Special Representative of the Secretary-General mentioned this in his briefing to the Council on 16 March; I know that some members of the Security Council are prepared to provide additional judicial personnel. After studying the question, UNMIK estimates that the current figure — 11 international judges and five international prosecutors — could easily be at least doubled.

(*spoke in English*)

I would like now to turn to the third priority: economic reconstruction. A key element of provisional self-government is financial responsibility, for which Kosovo's public finances need to be developed. In a move to safeguard public finances and the Kosovo consolidated budget from lost revenue, tax collection points are being established along the boundary line with the Federal Republic of Yugoslavia. Customs duty is not charged on goods originating or produced in the Federal Republic of Yugoslavia. So far, customs officers have been placed at Gate 3 — Podujevo in the Pristina region — and a tax collection office has been opened in Mitrovica, where Kosovo Serbs and Kosovo Albanians will work together under international supervision. Kosovo Albanian officers under international supervision are deployed at one collection point, and an effort is under way to recruit Kosovo Serb customs officers. The establishment of tax collection points along the Federal Republic of Yugoslavia boundary is in full conformity with Security Council resolution 1244 (1999) and will contribute key funding to the Kosovo consolidated budget at a vital time in the run-up to provisional self-government. During my visit to Kosovo, I met with the head of the economic reconstruction pillar; I had a feeling from that meeting that quite substantive progress has been made there, with major financial support from the financial community, and the European Union in particular, and that the infrastructures of Kosovo are now in significantly better shape than they were 18 months ago.

The fourth priority of the Special Representative of the Secretary-General is the development of

relations with the Federal Republic of Yugoslavia and the opening of an UNMIK office in Belgrade. This is an important element in trying to move forward with the other three priorities I have just outlined. Engaging the Federal Republic of Yugoslavia authorities in substantial and constructive cooperation on issues of common concern will help bring peace to Kosovo. The Special Representative of the Secretary-General, Mr Haekkerup, met with President Kostunica in Belgrade on 5 April to discuss many of these issues, and we were very pleased with the way the meeting developed. This was the second time the Special Representative of the Secretary-General had met with President Kostunica, and the meeting was indeed very constructive.

As I have already mentioned, agreement was reached on President Kostunica's support for Kosovo Serb participation in the Working Group on the legal framework. However, I just checked with the Mission before coming to the Council Chamber, and no contact has yet been made with the Kosovo Serb representative. I think it would be important for such contact to be made very soon, so as not to delay the process. The discussion also focused on modes of cooperation between UNMIK and the Government of the Federal Republic of Yugoslavia. In that context, the Special Representative of the Secretary-General emphasized the opening of the UNMIK Belgrade office as a crucial step forward. The office currently has three UNMIK staff members: one from the office of the Special Representative of the Secretary-General, one from pillar III and one from pillar IV. Negotiations continue with the Federal Republic of Yugoslavia authorities on the Status of Mission Agreement.

The Special Representative of the Secretary-General and President Kostunica also discussed the continuing negotiations on detainees and missing persons from Kosovo. As a result of amnesty bills passed by the Federal Republic of Yugoslavia and the Serbia parliaments last month, approximately 218 of 662 Kosovo Albanian detainees held in prisons in Serbia proper have been released. UNMIK continues to work for the release of all political prisoners and for a judicial review of those cases that are not covered by the amnesty laws. This was again raised with President Kostunica, who assured the Special Representative of the Secretary-General that all outstanding cases would soon be resolved.

On the issue of the missing, the Special Representative pointed out the potential that now exists to begin to build lines of communication between families from all communities. Agreement was reached that a joint committee to ensure cooperation on the resolution of the issue of missing persons would be mutually beneficial. I think that such a joint committee can be a very important confidence-building measure to begin to re-establish a measure of trust between the communities.

On the important issue of returns, the Special Representative of the Secretary-General and President Kostunica agreed to identify those areas where Kosovo Serb returns can realistically be accomplished. Finally, on Mitrovica, it was agreed that there should be further discussion between the Federal Republic of Yugoslavia and UNMIK on rendering the necessary safeguards to the Kosovo Serb population, including the identification of common security structures.

I would like now, before concluding, to say a few words on the former Yugoslav Republic of Macedonia, since it has a direct impact on the way the communities relate to each other in Kosovo.

As the Council knows, progress in UNMIK's key priorities has taken place against the backdrop of violence along the Kosovo border with the former Yugoslav Republic of Macedonia and continuing instability in southern Serbia, both of which have had an adverse effect on UNMIK and Kosovo in general. The most serious consequence for UNMIK of the violence in the former Yugoslav Republic of Macedonia was the interruption of the supply of fuel, food and essential medical supplies, with severe delays affecting the importation of goods. The border restrictions naturally also had an adverse effect on the Kosovo economy: the Kosovo Consolidated Budget suffered an estimated daily loss of DM 500,000 in excise tax revenues. The border was re-opened to all on 3 April and remains open.

Kosovo's penal system has also been subject to additional strain because of the detention of a number of Albanian armed troop suspects illegally crossing from the former Yugoslav Republic of Macedonia. KFOR's response to the escalating conflict in the northern part of the former Yugoslav Republic of Macedonia has involved the redeployment and the reorientation of several military units. Actually, a week ago, on the Sunday before last, I visited the border with

the former Yugoslav Republic of Macedonia with the KFOR Commander at the time, Lieutenant General Cabigiosu, and I could see how KFOR units had been deployed at various points. At the same time, you could see from the nature of the terrain that it is indeed quite a difficult border to control.

UNMIK continues to assist KFOR through the redeployment of special police units to back up the security presence in those areas where military units have been redeployed. In view of the increasing number of illegal border crossings, UNMIK is currently evaluating possible punitive measures to address this problem. As the Council knows, UNMIK has been instrumental in encouraging the Kosovo Albanian leaders to speak out publicly and condemn the use of violence as a means of addressing the grievances of the Albanians in the former Yugoslav Republic of Macedonia. I think that the declaration that was signed by the three Albanian leaders in that respect was a helpful move.

The border closures, however, did not prevent the flow of an estimated 8,000 ethnic Albanian refugees from the former Yugoslav Republic of Macedonia into Kosovo, most of whom were absorbed by host families. On 3 April, UNMIK authorities, with the support of the United Nations Office of the High Commissioner for Refugees (UNHCR), launched a systematic registration of all nationals of the former Yugoslav Republic of Macedonia who have arrived due to the conflict.

The conflicts in the Presevo Valley and the former Yugoslav Republic of Macedonia are also further impeding freedom of movement for Kosovo Serbs and other minority communities in Kosovo. This worsening freedom of movement has been compounded by the temporary suspension of inter-enclave convoys, as KFOR has to review its security mechanisms. Efforts are underway to ensure the swift resumption of escorts when operationally feasible.

To conclude, I would like to say that despite the adverse effects of the conflicts in the former Yugoslav Republic of Macedonia and southern Serbia, which have the potential to trigger large, destabilizing movements of persons into Kosovo — and we are very concerned about that — UNMIK has continued to move forward with its key priorities. Progress on the legal framework should allow the holding of Kosovo-wide elections this year; serious measures to tackle law and order are beginning to bear fruit; and increased cooperation and dialogue with the authorities of the Federal Republic of Yugoslavia will pave the way for progress in the key areas of security and return that have so far blocked Kosovo Serb participation in integrated structures.

I personally believe that it is in the best interest of the Kosovo Serb community to actively participate at all levels — municipalities, the Working Group on the legal framework, and specific groups to address the specific issue. The more it participates in those groups, I think, the better off all communities will be and the more peaceful Kosovo will be. I believe that progress in all of these areas should help build a solid foundation for the future, which will, in turn, assist the Kosovar leaders in their rejection of violence.

The President: I am very grateful to the Under-Secretary-General, first of all for taking the trouble to visit this very important region, and then for giving us such an interesting briefing and update.

Before I come to open the list to members of the Council, I should tell the Council that Sweden has asked to be invited to participate in this discussion. In conformity with the usual practice, I propose to invite the representative of Sweden to participate, in accordance with the relevant provisions, unless there is any objection.

There being no objection, it is so decided.

At the invitation of the President, Mr. Schori (Sweden) took the seat reserved for him at the side of the Council Chamber.

Yugoslavia will also be asked to speak to the Council after members have intervened and the Under-Secretary-General has answered some question. So we will now proceed to the speakers' list for members of the Council. I call on Ambassador Lavrov of the Russian Federation, to be followed by Ambassador Shen of China.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are grateful to Mr. Guéhenno for his briefing and for his personal impressions of his trip to Kosovo. We take note of the efforts of the Special Representative of the Secretary-General, Mr. Haekkerup, and the Mission he heads to establish normal life in Kosovo and to implement resolution 1244 (1999). We believe Mr. Haekkerup's recent visit to Belgrade, mentioned by Mr. Guéhenno, was very important. We believe that all the questions that were

discussed during the Special Representative's talks with the President of Yugoslavia will be developed and that the agreements will be fulfilled. We are convinced that unless there is this kind of cooperation with Belgrade, the Mission will not be able to discharge its mandate.

Of course, one of the central questions that everyone is talking about today is the preparation for the Kosovo-wide elections. We are convinced that in order to hold these elections, we need to make sure that the security conditions exist there that would guarantee a genuinely democratic expression of the will of all the province's ethnic communities and the fair participation of these communities in all self-government bodies.

We therefore attach importance to ensuring that before elections take place, displaced persons and refugees are able to return to Kosovo. We are convinced that excessive haste in holding the elections, forcing them through without the conditions in place to enable all the residents of Kosovo to vote, would strengthen the mono-ethnic nature of Kosovo and increase the nationalistic mood there.

We take note of the work being undertaken by the United Nations mission in seeking to harmonize the legal framework for the future transitional self-government organs. Such work should be strictly in keeping with the provisions of resolution 1244 (1999), with the participation of Belgrade. We note that this problem was discussed during the talks between Mr Haekerrup and President Kostunica, and we encourage that dialogue. We also reaffirm our position that the modalities for the elections, and the timetable for holding them, must be endorsed by the Security Council.

I remind the Council of our proposals to dispatch a Security Council mission to Kosovo which would, of course, also visit Belgrade. We believe that this should be undertaken before decisions are made on the legal framework and the timetable for holding the elections. Sending such a mission to Kosovo would help to calm the mood of the minorities and show them that the Security Council does not intend to disregard their legitimate concerns. It would also be of practical help in supporting the process of cooperation that has been established between the United Nations mission and the Government of the Federal Republic of Yugoslavia and in bringing about the cooperation that was agreed to during the visit paid by Mr. Haekerrup to Belgrade.

At this stage, however, we agree that it is important for the international presence to make a more active effort to ensure that there is security there for all, including, of course, the members of the Serb and other non-Albanian communities. So far, there has been no success in establishing such security, and the report of 3 April that was published jointly by the Organization for Security and Cooperation in Europe and the Office of the United Nations High Commissioner for Refugees notes that there has been no decrease in attacks on the members of the non-Albanian people of the province, and that such violence is clearly organized. That report provides concrete facts. In this regard, we would like very seriously to warn against any hasty steps with regard to Mitrovica. Unless the legitimate interests of the Serbs are taken into account in resolving the question of Mitrovica, there is a real danger that the entire territory of Kosovo will be ethnically cleansed. We therefore earnestly call upon the United Nations mission fully to cooperate with the Serbs on the question of Mitrovica.

We are concerned that the Albanian media in Kosovo is publishing articles stating that the leaders of a number of radical Kosovo parties are expressing full support for the activities of the so-called national liberation army in Macedonia, and newspapers in Kosovo are publishing lists of former commanders of the KLA who are now taking part in hostilities in Macedonia. Such people are portrayed as being national heroes. I am sure that this is well known to the United Nations mission in Kosovo, and we are convinced that both the mission and the Kosovo Force (KFOR) must, as the Security Council has already demanded, step up their efforts to put an end to extremism in Kosovo and halt the export of violence from Kosovo to other regions of Yugoslavia and to neighbouring countries, in particular Macedonia.

We believe that it is now clear to everybody that the root cause of this situation lies in the policy of placating Kosovo extremists, which was pursued by the previous leadership of the mission. The fact is that all of the problems that have arisen in the region, including the problem of violence, have their origins in that policy. They come from Kosovo; nobody is disputing that fact. In this respect, I would like to recall the comments of the Special Rapporteur on Yugoslavia, Mr. Dienstbier, during the fifty-seventh session of the

Commission on Human Rights. He said that there was a direct link between extremism in Kosovo and ethnic Albanian terrorists who are operating beyond the confines of Kosovo. Bosnia is already suffering from the after-effects of the Kosovo problem; extremists there are starting to use the same methods that are being utilized by the Kosovar Albanian terrorists. There are similar occurrences in the Croatian part of the Federation of Bosnia and Herzegovina, with international personnel becoming the direct victims of armed attacks and being taken hostage. Such occurrences show that that bad example is contagious, and if there are no strict measures to put an end to extremist terrorist activities, many people would like to recreate this kind of scenario in other areas of the Balkans.

We are concerned about reports that there has been a recent revival of the activities of the foreign network of Albanian extremists, in particular those in Switzerland, and that this network is being used to provide support for activities in Kosovo and Macedonia.

We again draw attention to the need for a clearer, more insistent implementation of resolution 1160 (1998) regarding the arms embargo to Kosovo. We stress the need finally to bring the demilitarization to its logical conclusion and to ensure that the combatants of the former KLA are truly disarmed. Recently, in Krivenik, a Kosovo village near the Macedonian border, a huge illegal cache of weapons was found. KFOR needed four trucks to remove it. These caches are really not difficult to find, but I do not want to comment further on that point.

We believe that, in order to stabilize the Balkans, we need approaches that are based first and foremost on the political will of the States of the region, with the active support of the international community. That is the precise thrust of the proposal that the Minister for Foreign Affairs of Russia, Mr. Ivanov, put forward in Skopje on 21 March, when he suggested that countries of the region should adopt a legally binding document establishing mutual obligations regarding the strict observance of the basic principles of inter-State relations, primarily, the inviolability of borders, sovereignty equality, respect for each other's territorial integrity, the non-use of force, and preventing the use of their territories for incitement or for the provision of assistance to terrorist activities or participation in such activities in respect of other States. At first glance, this is a very simple proposal, but we are convinced that including these principles within the framework of a legally binding document would have a very positive effect on the entire situation. The Security Council could act as the guarantor of such an agreement. The international community would be sending a very clear signal that there should be absolutely no new attempt to carve new borders in Europe, including in the Balkans.

Mr. Shen Guofang (China) (*spoke in Chinese*): At the outset I would like to thank the Under-Secretary-General, Mr. Guéhenno, for his very important, informative and comprehensive briefing.

While the situation in Kosovo remains unstable, we are pleased to note that the contact and dialogue between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Federal Republic of Yugoslavia Government has increased. Some of this contact and dialogue is quite constructive. We hope that such contact and dialogue will continue and will ultimately be beneficial for the solution of the Kosovo problem.

At the present time we are most concerned about the progress in the preparations for Kosovo-wide elections. It has a direct bearing not only on the comprehensive and lasting solution to the Kosovo problem, but also on the peace and stability of the Balkan region as a whole. China is of the view that the preparations for the Kosovo-wide elections must be carried out in all seriousness strictly within the framework of Security Council resolution 1244 (1999). Of course, the key issue is to ensure the full and equitable participation of all the ethnic communities.

With regard to the Kosovo-wide elections, I have two questions that I would like to pose to the Under-Secretary-General, Mr. Guéhenno. First, at the present time the Joint Working Group on the Legal Framework for Kosovo has achieved considerable progress on the issue of Kosovo-wide elections, especially on the core issue of the self-government of the future Kosovo. As we certainly know, however, such progress has been achieved without the full representation of the Kosovo Serbs. We also noted that UNMIK is trying hard to win more participation from the Kosovo Serbs. Without the full participation of the Kosovo Serbs, what kind of an effect will such progress have on the future of Kosovo-wide elections? Will people raise doubts about the

fairness and the universality of such Kosovo-wide elections? What are Mr. Guéhenno's comments?

Secondly, according to the information provided by the Secretariat, since the armed conflict in the former Yugoslav Republic of Macedonia began, nearly 8,000 former Yugoslav Republic of Macedonia Albanian residents have fled to Kosovo to seek refuge. Surely this will cause instability and a worsening in the law and order situation in Kosovo. However, will this presence of former Yugoslav Republic of Macedonia Albanians have any impact on the Kosovo-wide elections? What are the measures that UNMIK will take to take care of such refugees?

In conclusion I would like to stress that China supports the proposal made by Ambassador Lavrov, namely that at an appropriate time the Council should send a mission to Kosovo and Belgrade in order to obtain first-hand information.

Mr. Chowdhury (Bangladesh): We find Under-Secretary-General Guéhenno's briefing very useful, as the President himself has mentioned, particularly in the context of his visit to the region. Following the practice that the President is trying to institute in these meetings, I will pick some of the points that Mr. Guéhenno has mentioned and try to reflect on those.

The first point relates to the contact between the Federal Republic of Yugoslavia and the United Nations Interim Administration Mission in Kosovo (UNMIK). I think that the 5 April meeting between the Special Representative of the Secretary-General, Mr. Haekkerup, and President Kostunica is a milestone meeting. I believe that it has made a remarkable difference in the manner in which UNMIK operations are being undertaken. I think that it will open up opportunities for the resolution of many of the outstanding issues. I will come back later to some of the points that were discussed during that meeting on 5 April, including the issue of missing persons and detainees.

Let me at this point also mention that the information that we have received from Mr. Guéhenno on the preparations for the elections is very important. Mr. Haekkerup briefed us last month on the preparations, not only of the legal framework, but also of the elections and the arrangements being made for the elections. From Mr. Guéhenno we have now heard in particular about the call made by UNMIK to all communities to register and participate in the elections. We believe that this is a very key aspect of holding free and fair elections with the participation of all communities. I believe that very closely linked with this process is the return of the Kosovars to Kosovo and their being able to participate. In particular we underline the importance of the return of the Kosovo Serbs.

We would like to take this opportunity to pay tribute to the civil administration and institution-building pillars of UNMIK for doing their best to organize the elections in an effective manner. We would like to also mention that the legal framework for the provisional self-government that is being prepared should also be drafted with the participation of all communities. We believe that this is an important element that should not be missed.

We would also like to mention that, as has been reiterated by UNMIK, the rights and interests of all communities need to be reflected in that legal framework. We believe that the support extended by President Kostunica for the establishment of the legal framework and his call on the Kosovo Serbs to participate in the process are very important and will contribute towards an effective preparation of that document.

I will now talk about the point relating to the missing persons. There are about 3,000 Kosovars missing, and one-third of them are Serbs. We believe that the support that President Kostunica has given in this regard to Mr. Haekkerup is very important. The idea of a joint committee needs to be pursued and, we believe, should be established as soon as possible. We would like to make a request to the Council that it support this idea of a joint committee, which is to be established to look into the issue of missing persons and detainees.

We welcome, as I said, the efforts being made for the return of the Kosovo Serbs. We would also like to mention here that we had requested earlier a report on the completion of mandate by Ambassador Henrik Amneus. We had made that request both in informal consultations and in formal meetings, and we have not received any response, either from Ambassador Amneus or from the Secretariat in this regard. We would therefore like to reiterate that request through you, Sir, so that action may be taken on the presentation of that report to us.

Finally, we would like to mention that we are encouraged to hear the information about the economic reconstruction efforts, particularly on tax collection and infrastructure-building. We believe that these are very positive developments and should be welcomed by all of us.

Let me conclude by joining Ambassador Lavrov and Ambassador Shen in proposing that a mission of the Security Council be undertaken to Kosovo with an appropriate mandate to look into the developments that have been undertaken and those that are expected in the coming months.

Mr. Mejdoub (Tunisia) (*spoke in French*): Allow me to add Tunisia's voice to those that have spoken earlier to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his excellent and instructive briefing on developments in Kosovo. My delegation pays tribute to him and to his team for their efforts to keep members regularly informed on developments on the ground.

Responding, Sir, to your appeal for brevity, I will limit my statement to a few comments that we feel are of definite importance in promoting a solution to the question of Kosovo.

My first comment is that we believe that, since Security Council resolution 1244 (1999) has been unanimously accepted by all parties to the conflict, its implementation must be total and swift. According to paragraph 11 of the resolution, the interim international civil presence is responsible for "promoting the establishment, pending a final settlement, of substantial autonomy and self-government". Clearly, the United Nations Interim Administration Mission in Kosovo is responsible for defining the future autonomous institutions of Kosovo. These choices must be the outcome of broad consultation with all parties concerned, including the Federal Republic of Yugoslavia. The participation of all the ethnic components in Kosovo is the best guarantee of the success of that process. In this regard, we encourage Mr. Hans Haekkerup, the Special Representative of the Secretary-General, to pursue his work precisely to define a legal framework prior to the holding of the general elections and to work to implement the results of the elections.

Secondly, we have always deemed it important for any ultimate settlement of the question of Kosovo to be part of the broader context of a comprehensive solution to the problem of the Balkans as a whole. The international community must take into consideration the regional aspect, which we believe to be a factor for balance and stability. My delegation welcomes the spirit of cooperation demonstrated by the Government of Belgrade since the democratic change that took place in the country and recent measures to calm the situation.

Thirdly, we wish to voice our concern at the persistence of pockets of tension, particularly along the borders. This tension is conducive neither to the return of refugees nor to lasting reconciliation among the inhabitants of Kosovo. Quite to the contrary, it merely prolongs the crisis and the resort to violence. It is therefore important to strengthen security, particularly where minorities reside, and to ensure impartial and non-discriminatory justice for all inhabitants, as was quite rightly pointed out by Mr. Guéhenno. I would even say that all forms of extremism should be banished and a culture of tolerance promoted. We need to find a negotiated solution to the question of ethnic Albanian prisoners in Belgrade prisons.

Fourthly, my delegation welcomes the positive outcome of the meeting of donor organizations and countries held in Pristina. That important meeting has allowed the programme launched by the Special Representative of the Secretary-General to enjoy broad support for the stages to come. It will certainly have a positive effect on the entire economic and social situation in Kosovo.

Fifthly, we wish to express our satisfaction at the decision taken by the former Yugoslav Republic of Macedonia to reopen its borders with Kosovo, which will allow essential goods to be shipped to the inhabitants of the territory.

In conclusion, I wish to say that the Council's forthcoming meeting to hear the Albanian Prime Minister will be of substantial help to the members of the Security Council and to the Secretariat by expanding the context of our discussion on the situation in Kosovo and the Balkan region as a whole.

The priorities cited by Mr. Guéhenno seem to us, for a number of reasons, to be the best available at this sensitive time. It is my delegation's view that we must give thought right now to the exit strategy, given the complexity of the situation in the region as a whole. An overall strategy is crucial if we truly wish to think about the future of the region in the long term.

The President: Perhaps I should point out that the Prime Minister of Albania has not been able to keep to his programme and will not be coming to talk to us during the course of this month, but I will try to find another occasion to have, perhaps, a more intimate discussion of longer-term policy in the region.

Mr. Cunningham (United States of America): I think the Under-Secretary-General's briefing and the discussion are interesting because they show that, while there are some differences and some new nuances in approach, the fundamental question that is still before us is whether unresolved issues in Kosovo and in the region will be solved or attempted to be solved through the use of violence or through the use of a political process in implementation of resolution 1244 (1999). I think that the briefing we had today shows that real progress is being made in the latter, political direction. We are encouraged by that and think that this Council and everybody else who can needs to encourage and support the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR) in this very difficult effort.

Violence remains the single greatest threat to progress in the region. There is a political path laid out, but it is a difficult one. We all know that and we should be under no illusions about it. We strongly support new measures that UNMIK is in the process of developing against extremist activities and organized crime, and hope that they will be brought into being in the near future.

We have been pressing key Albanian leaders, in Kosovo and outside Kosovo, to join the international community in urging restraint. We believe strongly that this is the only way forward. It is essential for KFOR and UNMIK to have that kind of political support from the Albanian communities if they are to have any hope of maintaining stability and security in the region. They must move beyond words to deeds, to help halt extremism inside and outside Kosovo.

In our view, the question of elections is central to that effort. I think the discussion has been interesting on that point, and Ambassador Shen asked some interesting questions that I am anxious to hear the answers to. But, again, from our point of view, elections serve a key function in that process. That is why we support holding elections as soon as possible. Elections will help to set a foundation, answer the questions and solidify the discussion over whether the future of the region lies in a political process or though continued violence. In our view, not holding elections leaves open the perspectives for violence.

We are very gratified to hear that UNMIK is making real progress towards establishing the legal framework, and we encourage them to press ahead. I noted with gratification the Under-Secretary-General's observation that he believes elections will be held this year. We have indications that that is also becoming more accepted in the region. We welcome that. We note that significant progress is being made in encouraging all the peoples of Kosovo to participate in the development of the framework. That is another significant element of progress. We welcome that Belgrade appears ready to encourage Kosovo's Serbs to participate. That is also a significant step forward.

It has not been part of the discussion but, as the Council has previously discussed the issue, I did want to make mention of the matter of depleted uranium in the area. We would like to note that recent studies in Kosovo by the World Health Organization and the United Nations Environment Programme have found that there is no demonstrable link between exposure to depleted uranium and leukaemia or other kinds of cancers in humans. Those findings coincide with those of similar studies conducted by the United States.

The President: I would like to turn to Mr. Guéhenno to answer questions that have arisen so far. Then I will return to the list of speakers.

Mr. Guéhenno: Several representatives mentioned the fundamental issue of the elections. The Chinese delegation raised two questions linked specifically to the issue of elections. I would like to answer the second question first, namely, the impact on stability and elections of refugees from the former Yugoslav Republic of Macedonia.

All the information we have shows that the estimated 8,000 refugees from the former Yugoslav Republic of Macedonia have been absorbed very peacefully in host Albanian families; that their needs are being cared for by the Office of the United Nations High Commissioner for Refugees and other humanitarian agencies; and that they have indeed been registered. I believe that most of those refugees will indeed return to the former Yugoslav Republic of Macedonia as the situation returns to normal there. At any rate, they are not residents of Kosovo and there is no way in which they could, or should, have an impact

on the elections. I think that they are out of the picture, both from a law-and-order standpoint and from the more formal standpoint of the legal issue of participation in elections. They should remain out of the picture and I would expect that by the time elections can be held, there will no longer be any refugees there anyway.

With regard to the first question — namely, what the effects of non-participation by Kosovo Serbs in the elections would be — I think that if a second election were held in Kosovo without the participation of Kosovo Serbs it would indeed send a very bad signal and would not bode well for the goal of a multi-ethnic Kosovo as envisaged in resolution 1244 (1999). That is why we make every effort to engage the Kosovo Serb community and to convince that community to participate actively. As I said, we are very encouraged by the results of the meeting in Belgrade.

Here, I would like to make a more general point on the issue of elections. It is indeed essential that the next elections, the Kosovo-wide elections, have the full participation of all those who have a right to participate in them. That indeed includes internally displaced persons not presently in Kosovo who left Kosovo before 1 January 1998. An election that fails to make efforts to have them participate would not be right and, as has been said, would increase the divide. That is why we are working actively to that effect with the Government in Belgrade. There is indeed a need for very close cooperation between the mission and that Government in Belgrade to ensure such participation.

On the other hand, having come back from Kosovo, my personal perception is that any undue delay in the holding of elections would give more power to the gun than to the vote. That is the danger. Elections will enable the various communities to have a say, and we see this in the number of moderates in Kosovo. Properly held elections can thus be a way to alleviate tensions. Undue delay might lead to violence.

In Kosovo I was struck by the fact that if we want to rebuild a measure of trust between the various communities — and that in itself will take time, as there is no question that at the moment that trust does not yet exist — that will have to be based on some measure of self-confidence. Elections in which all communities can participate will help to do precisely that, rather than intimidation with the power of the gun.

Mr. Levitte (France) (*spoke in French*): The Ambassador of Sweden, Pierre Schori, will shortly express the views of the European Union. I would like to respond to the excellent statement made by Jean-Marie Guéhenno while developing a few points, which I hope will in no way contradict the perspective he has defined so well.

My first comment is on the matter of substantial autonomy. It is very important that work in this area proceed under the best possible conditions in order to give shape to this essential element provided for in resolution 1244 (1999). It is therefore well that Mr. Haekkerup should be working on this in close coordination with the representatives of all the communities in Kosovo. The objective should be to provide a clear-cut definition of the competencies to be transferred to the future provisional institutions.

Mr. Guéhenno has mentioned the desire for participation by representatives of the Serb community. In this context, we are encouraged by the fact that Mr. Haekkerup received encouraging signs in Belgrade. We believe Belgrade has an important part to play in the context of the process led by the Special Representative of the Secretary-General.

My second comment relates to the general elections. As Jean-Marie Guéhenno has said, these constitute an important, indeed indispensable, phase in the process of ensuring that democracy takes root in Kosovo, and minority participation is thus indispensable. The elections must be prepared with painstaking care; we are encouraged to note that much has already been accomplished on the ground.

My third comment is that Mr. Haekkerup's visit to Belgrade last Thursday was a very positive development; Mr. Guéhenno was right to highlight it. We share his assessment of the meeting between President Kostunica and Mr. Haekkerup, and we are pleased that a positive relationship is developing between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the authorities in the Federal Republic of Yugoslavia. Here, the opening of an UNMIK office in Belgrade is a step forward; it will facilitate needed dialogue on a day-to-day basis.

My fourth comment addresses ethnic violence, which, as many members of the Council have said, remains the crux of the matter. We are please to note the good cooperation between UNMIK and the Kosovo Force (KFOR) in keeping the extremists on the

sidelines. But it is essential that elected officials in Kosovo do even more: that they forcefully and resolutely make their voices heard to condemn ethnic violence and to promote harmony. The international community has made a great effort to help Kosovo and its population, and it is only normal that we should expect everyone, and in particular those elected representatives, to do everything in their power to prevent violence, thus contributing to the success of the task entrusted to UNMIK, to KFOR — and to those very representatives, elected by their own people.

All these points will be made at the ministerial meeting of the contact group, to be held the day after tomorrow in Paris. That meeting will offer a good opportunity to take stock of positive developments since the last ministerial meeting, which was held in Rome last August. But it will provide an opportunity also to take a more general look at the situation in south-eastern Europe. As other speakers have rightly observed, the degree to which the international community is united on this matter is striking in terms both of its assessment of the situation and of its determination to safeguard the stability, territorial integrity and sovereignty of all the States of the region; this echoes the unity the Council displayed with the adoption of resolution 1345 (2001). It is encouraging and reassuring to hear the entire international community speak with one voice to encourage the forces of integration as they confront groups advocating territorial fragmentation and ethnic factionalism.

Miss Durrant (Jamaica): I too wish to thank the Under-Secretary-General, Mr. Guéhenno, for updating us on developments in Kosovo since the Council was briefed last month by the Special Representative of the Secretary-General, and particularly for giving us his own impressions following his recent visit to Kosovo.

When we met last month, my delegation expressed support for the priorities outlined by the Special Representative of the Secretary-General, and we wish to thank Mr. Guéhenno for briefing us on the establishment of a legal framework for provisional self-government, on the development of an effective law enforcement and judicial system, and on economic reconstruction.

We were pleased to learn of the results of the discussions that the Special Representative of the Secretary-General held last week in Belgrade with President Kostunica. Those discussions, as well as the opening of the United Nations Interim Administration Mission in Kosovo (UNMIK) office, can, we believe, lay the basis for further dialogue and action on the situation of missing and detained persons, on internally displaced persons and returnees, and on organized crime and the trafficking in persons. We hope that early action will be taken on the establishment of a joint commission, as we agree with Mr. Guéhenno that such a commission could be mutually beneficial and could act as a confidence-building measure.

We note that the Special Representative of the Secretary-General has agreed to take action to determine the fate of the 3,000 persons missing in Kosovo and has raised the question of DNA testing. My delegation would wish to ascertain whether or not UNMIK has the personnel required to do that testing and, if not, whether they have sought international assistance.

A matter of fundamental concern for my delegation is the process leading up to elections and to the development of institutions of self-governance within the framework of resolution 1244 (1999). Other speakers have addressed that issue and I will therefore not repeat what they have already said. But we would wish to underline the importance we attach to that process, to the elections being well prepared, and to their being held as soon as possible. We see the decision to register internally displaced persons as another confidence-building measure, and we hope that this will encourage the return of Kosovo Serbs. But that will take place only in a secure environment and in an atmosphere of reconciliation among the different ethnic groups.

We hope that, prior to the Kosovo-wide elections, Kosovo Serbs can be persuaded to participate in the municipal assemblies and in municipal government, and we would wish to ask Mr. Guéhenno whether any steps have been taken in that regard.

We are disturbed at the report that there is polarization in civil administration along political as well as along ethnic lines, and we believe that this must be firmly discouraged.

Kosovo remains a direct responsibility of the Security Council, and in that regard my delegation would support the proposal for another Council visit to Kosovo at a time mutually convenient to members of

the Council and to the Special Representative of the Secretary-General.

My delegation wishes to draw attention to a concern that we raised at the last briefing, and that is the proliferation of arms in Kosovo, in particular small arms. At that time, Mr. Haekkerup responded to our question by stating:

> "Basically, I do not think that there is any great trafficking in heavy weapons through Kosovo, but with regard to small weapons, I think that there is". (*S/PV.4296, p. 35*)

We would once again request detailed reports on what is being done inside Kosovo by UNMIK and by KFOR to confiscate illegal weapons and to enforce the regulation on weapons that was recently passed. We would also be interested in hearing what is being done by KFOR to prevent weapons entering the territory and what steps the sanctions Committee could take to assist in that process. We hope it will be possible for the new Commander of KFOR to address the Council in the near future.

I must also underline my delegation's disappointment that the latest report on the international security presence in Kosovo (S/2001/333), which was transmitted by a letter dated 3 April 2001, covers the period 1 to 28 February. We hope that in future the Council can receive reports in a more timely fashion. The report indicates that during that period KFOR troops uncovered and confiscated weapons, ammunition and explosives, and that they continued to take action to prevent the flow of supplies from inside Kosovo.

We wish to encourage closer collaboration between UNMIK and KFOR in these efforts and greater vigilance in addressing illegal border activity. We continue to call for increased surveillance of the administrative border, in order to put an end to the extremist activities there and to stop the traffic in illegal weapons.

The President: I now call on Ambassador Mahbubani of Singapore, to be followed by Ambassador Franco of Colombia.

Mr. Mahbubani (Singapore): Like others, I would like to thank Under-Secretary-General Jean-Marie Guéhenno for the briefing he gave us, and I also want to add, Mr. President, that we are very happy with this format you have instituted of having an interactive session to discuss issues like this. I think this allows us, hopefully, to be a bit more reflective, a bit more thoughtful in responding to the issues that we deal with.

In that spirit, I would like to put forward one suggestion, which I think is both procedural as well as substantive, on this issue. I think it is useful for us when we discuss Kosovo — and we seem to be discussing Kosovo once a month every month nowadays — to listen to the 15 national perspectives that we have. But in the eyes of the international community I think what is of interest to them is whether the Council is moving forward in a common direction towards resolving this major issue. Here, frankly, I am building on a remark, the last point that was made by my colleague on my left, the Ambassador of Tunisia, when he said that when we discuss Kosovo, we should look at the global exit strategy on this issue. This is where, after attending Council discussions on Kosovo several months now, I am really not sure whether, in terms of our end goal of getting Kosovo off the Security Council agenda, we are moving forward or backwards. Sometimes I think we move forward. Sometimes we move backwards.

In so doing, we should also bear in mind that of all the peacekeeping operations that the United Nations is handling, Kosovo is one of the three most expensive. According to the figures given to me for the expenditure in 2000, the United Nations Mission in Sierra Leone (UNAMSIL) will cost us $510 million, the United Nations Transitional Administration Mission in East Timor (UNTAET) will cost us $540 million and the United Nations Interim Administration Mission in Kosovo (UNMIK) will cost us $500 million. But I think if you add the other costs of the residents of the international community, Kosovo is by far the most difficult operation that we have.

Given that it may be useful for us at these meetings to ask whether we are going in the right direction over the long term, I am aware that the eventual goal is spelled out in Annex 1 of resolution 1244 (1999), which says that our goal should be a political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the Kosovo

Liberation Army (KLA). These goals have been spelled out. The question is whether we are moving forward in that direction.

Here I noticed that we discussed elections quite frequently today, and the general assumption will be that the elections will be a positive step forward. I think Mr. Jean-Marie Guéhenno confirmed this in his answer when he said that elections are a better choice than the use of the gun. But the question in my mind is: Is it possible that the elections could have a destabilizing effect if, in the process of the elections, we have political parties that will say that their end goal is to ensure that Kosovo becomes independent, as opposed to other parties that will say that their end goal is to see the implementation of resolution 1244 (1999). Which of these political parties are likely to be more successful in the coming elections. I am aware that these are municipal elections, but in the course of municipal elections larger issues may be raised.

Against this backdrop, I want to use two metaphors to illustrate some of the difficulties we face as we meet every month to discuss Kosovo. The first metaphor I will use is the one of the play *Hamlet* and the ghost. You cannot stage the play of *Hamlet* without having the scene of the ghost. In the same way, every time we meet to discuss Kosovo, there seems to be a ghost hanging around this room, asking us, what is the ultimate destination and how are we going to get there.

The second metaphor is that of going where we want to go, and I like to use the metaphor moving a big boulder up a mountain. Judging from all the comments we have heard and the discussions on Kosovo, it is quite clear that while we all agree on the formal outlines of the goals we want to reach, we are all aware that we have an unusually difficult mission ahead of us. Indeed, in trying to rebuild the fabric of a nation that has been torn apart and in putting it together as one nation, the task is akin to that of, as I said earlier, moving a big boulder up a mountain. So, perhaps, as we meet month after month on Kosovo, we want to ask ourselves, are we moving the boulder up or is the boulder rolling backwards when we discuss Kosovo. I hope that we will bear this in mind as we have future discussions on Kosovo.

Finally, since several delegations have spoken in support of the Security Council mission to Kosovo and Belgrade, I want to say that we are very happy to support this mission and we will also be happy to participate in it if it is helpful to do so.

The President: Thank you, Mr. Ambassador. You make us think, as usual. I think we need to remember that as far as the boulder going up the mountain is concerned, there is a trade off between the speed with which you try to push the boulder up the mountain and the risk of it coming back over you and tumbling back to the bottom again. But it is we and others who have to make those judgements.

Mr. Franco (Colombia) (*spoke in Spanish*): I would like to begin by thanking Mr. Guéhenno for his briefing and by congratulating you, Mr. President, on having consolidated this interactive format that we appreciate and value.

Since we last discussed this item in the Council almost a month ago, the situation in Kosovo and its surroundings has changed considerably in a positive way. I would like to put three questions to Mr. Guéhenno and make a final comment.

The first question has to do with refugees and internally displaced persons (IDPs). Clearly, the situation of the refugees and IDPs is still very concerning. Unfortunately, this continues to be one of the most complex problems in Kosovo. There are figures that reflect this problem, but the information is not entirely clear. I had planned to ask Mr. Guéhenno for clarification on the actual situation of the refugees arriving in Kosovo from other regions and people from Kosovo migrating to other parts of the region. So I am grateful for the comments you already made during your presentation and in response to others, and if you have anything to add, I would appreciate it very much.

My second question has to do with the situation in southern Serbia. Negotiations to settle disputes in southern Serbia are important and must continue. We wish to appeal for Albanian extremists to comply with their agreed commitments and return the five hostages by 10 April, at the latest. In my delegation's view, there is no reason that justifies this detention. Perhaps Mr. Guéhenno could give us some idea how the negotiations are proceeding?

The third question has to do with illegal activities along the borders. The re-opening of the border between Kosovo and Macedonia bears tribute to the fact that the violence has been controlled to some extent. However, the Kosovo Force (KFOR) and the

United Nations Interim Administration Mission of Kosovo (UNMIK), as appropriate, must guarantee that this border area stop being a place for illegal activities. Additionally, we must foster awareness among the people living along the borders for them to realize that preventing and denouncing illegal activities is also their responsibility.

In this context, I would like to ask Mr. Guéhenno for more information about measures to control illicit trafficking in small arms along the border and in the Presevo Valley. How is the community participating in this matter? What results have emerged? Ambassador Durrant of Jamaica has spoken eloquently on this issue, and my delegation supports what she has said. I hope we will start having more concrete replies on these matters because we have already posed questions in this regard on several occasions.

A final comment concerns the relationship with Belgrade. Colombia supports the ongoing efforts of Belgrade and UNMIK to improve their relationship and to work as a team on various matters.

The agreement for the participation of the Serb Kosovo population in the Working Group to develop a legal framework, together with the increase in the participation of the Serb population in the Kosovo assemblies, can be seen as an achievement of the teamwork between UNMIK and Belgrade. We hope that these trends will continue so that the general elections to be held in Kosovo in the near future elicit the support of the Serb population and thus become truly representative.

I would like to conclude by praising the work of UNMIK and the great willingness of the Government in Belgrade to contribute to regional stability.

Mr. Kolby (Norway): I, too, would like to thank Mr. Guéhenno for his briefing. We note that work on the legal framework is progressing and that the Special Representative of the Secretary-General intends to hold Kosovo-wide elections this year. We are encouraged by Mr. Guéhenno's information about progress towards ensuring the return of Kosovo Serbs to the working group. We expect that, as part of this process, more Kosovar energy will be directed towards the legal and political arena. Norway deeply regrets and condemns the violent attacks against minorities, which seem increasingly well organized and aimed at undermining our efforts to ensure a multi-ethnic Kosovo.

Continued extremist violence, which is also taking place against fellow ethnic Albanians, shows that progress towards elections is not matched by improvement in the security situation. For elections to be held, we need a security framework as well as a legal framework. Kosovo Albanian leaders should know that the best support they can give to the election process is to take vigorous, public measures to prevent violence and create conditions for the return of refugees and displaced persons. However desirable province-wide elections may be, their success will depend on whether these requirements are met. In this connection, I would like to ask Mr. Guéhenno whether it is his impression that the Kosovo leaders fully appreciate the need to do more with regard to the security situation.

To ensure legitimate elections, it is essential that Kosovo Serbs and other minorities are properly represented in the preparations, the voting and the institutions. We believe that closer cooperation between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the authorities of the Federal Republic of Yugoslavia could contribute to this end. Norway fully supports the efforts of the Special Representative of the Secretary-General to involve the Yugoslav authorities, and we welcome his visit to Belgrade last week and its results. We believe it is now important to open a full-fledged UNMIK office in Belgrade.

Norway is encouraged by recent steps taken by Belgrade to bring to justice persons indicted for war crimes, as well as to implement the Covic plan in the Presevo region. To build further confidence, all political prisoners should be released from jails in Serbia without delay. For their part, ethnic Albanian leaders should do more on the issue of missing persons. We support Mr. Guéhenno's comment that a joint commission would be an important step.

Lack of public trust in the law enforcement agencies and the judiciary in Kosovo is a serious challenge. Norway supports the creation of a new UNMIK pillar to maintain a strong involvement in this area by the Special Representative of the Secretary-General. Tackling the alarming increase in trafficking in women and children is one of the most urgent tasks.

Finally, Norway fully shares the emphasis by Mr. Guéhenno and others on the importance of the regional aspects of the implementation of resolution

1244 (1999), and we would therefore also like to hear his assessment of the possible implications if Montenegro should take steps to secede from the Federal Republic of Yugoslavia.

The President: I again call on the Under-Secretary-General to pick up the points so far, after which Counsellor Kulyk of Ukraine will speak.

Mr. Guéhenno: First, I should like to respond to the three questions from the Ambassador of Jamaica. On DNA testing, indeed, the United Nations Interim Administration Mission in Kosovo (UNMIK) would very much like to draw on the expertise of a number of specialized non-governmental organizations that have performed similar work in Bosnia and Herzegovina. I think that we will be in touch with those organizations, and we will, of course, need funding to support their work. But that is a source that should be tapped for this particular very sensitive and important issue.

With regard to the participation of Kosovo Serbs in Municipal Assemblies, progress has indeed been made, especially after the change of leadership in Belgrade. Recently, Kosovo Serb representatives have walked into Municipal Assemblies, including some difficult municipalities around Pristina. So there is a precedent that that can be done without the generation of violence. We hope that this will pave the way for more comprehensive participation in other municipalities, especially in a key municipality such as Pristina.

I can assure the Council that in those municipalities where Serbs are still, unfortunately, outside the ruling structures, UNMIK makes a point of making sure that municipal resources are, indeed, being allocated to the Serb community.

Jamaica's third question related to the regulation of weapons. What I can say on that is that UNMIK did enact a very comprehensive regulation one month ago that outlaws the possession of illegal weapons and imposes very serious sanctions. If I am not mistaken, there can be a 10-year jail sentence in some instances. At the moment, we are still in the grace period, and a very important information campaign is going on, with close cooperation between the Kosovo Force (KFOR) and UNMIK, going door-to-door and making sure that people throughout Kosovo are fully informed about this new regulation. This information campaign will be followed by a one-month amnesty for those who surrender — a one-month grace period, so to speak — during which the Kosovars can hand in their weapons. My understanding is that that period will last until the end of May. We expect that a number of weapons will be surrendered. Indeed, there are still quite a lot of weapons in Kosovo, and there will probably still be weapons after that. But we will be in a better position to control the illegal possession of weapons, and I think this is an important step forward.

The Permanent Representative of Singapore asked whether elections could have a destabilizing effect since, indeed, the issue of independence will be there — at least, it will be promoted by some parties. We know that last year every political party that registered for the municipal election had independence at the core of its electoral platform. Obviously, this will not be different for the Kosovo-wide elections. Kosovo politicians are still in competition to see how nationalistic they can be. On the Albanian side, the issue of independence is one of the few issues on which they agree.

At the same time, I am told — it is the experience of the municipalities where we have begun to have a functioning administration — that the more they can focus on the practical management of Kosovo, the more that will defuse the tension. They may want to make their political point, and I am under no illusion that that political point will be made. But they then have to focus on the practical issues of substantive autonomy and deal with a lot of practical issues. I said that the infrastructure was in much better shape, but a lot of very practical issues have to be dealt with if Kosovo is to be effectively managed. Focusing on that should hopefully defuse tensions.

Colombia raised three questions. On the question of refugees and internally displaced persons, I gave the most recent figures that I have. What I can say is that the return of the internally displaced Serbs to Kosovo is indeed a very important political issue. It is one of the key priorities of the Special Representative of the Secretary-General. It will take place in a gradual way - it would endanger the safety of Serbs to try to do it suddenly in a massive way. Unfortunately, I do not think that the resources and the political context are there yet for a massive return. However, UNMIK is committed to organizing that progressive return and to working in a practical way with all involved partners to start that process so that the signal is sent that indeed the Serbs have their full place in Kosovo.

The second question was that of the negotiations taking place in southern Serbia. Those negotiations got off to a slow start due to continuing breaches of the ceasefire and the composition of the Albanian negotiation team. We are advocating the beginning of the implementation of a package of confidence-building measures. In this regard we very much appreciate the behaviour of the Yugoslav army force, which has been redeployed into part of the ground safety zone. I would reiterate here that the composition of the forces that are being redeployed should not include troops that have been associated with events in Kosovo. I think that this would send a signal that could increase tensions. I think that we have to work on that very sensitive and delicate issue, where perceptions play a very important role, in a progressive and gradual manner in order to avoid undue tensions.

The third question raised by the delegation of Colombia was on illicit activities across the border. As I said, I visited the area. This is mountainous and wooded terrain. I would not want to convey to the Council the view that 100 per cent control of that border can be achieved. It would probably require a huge force to do that. However, I was very much encouraged by the commitment of KFOR and UNMIK to have effective coordinated efforts put in place in order to have as much effective control as possible. This indeed has resulted in the apprehension of several persons, especially ethnic Albanians from the former Yugoslav Republic of Macedonia.

Several weapon seizures have successfully taken place, as was recalled by Ambassador Lavrov. KFOR and UNMIK are presently studying the possibility of strengthening the legal framework within which they can act in that respect so that those who are apprehended illegally crossing the border would receive the appropriate sanction. On all those issues we maintain very close contact with former Yugoslav Republic of Macedonia authorities. Any effective control of the border needs very good interaction, I think, between UNMIK, KFOR and the former Yugoslav Republic of Macedonia.

The Ambassador of Norway raised the question on whether the Albanian Kosovar leaders' commitment to security is sufficient. I impressed upon those leaders, when I visited Kosovo last week, that indeed there had been a lot of international sympathy for Kosovo and that the effort of the international community in Kosovo, as has been recalled by several delegations, is a massive effort. That sympathy would vanish if the commitment of all leaders, Kosovar and Serb, to a multi-ethnic Kosovo were in doubt.

I think that it is important for all leaders to send the right signals in that respect in the functioning, for instance, of municipalities. Tom Koenigs, who is sitting behind me, head of Pillar II and carrying out a very difficult job in Kosovo, could reinforce that point. In our dealings with the municipalities, we continually impress upon them the need to show tolerance when they exert power. I myself made the point that democracy is not the dictatorship of the majority; it is as much the respect of the minority. The mission will continue to impress that point upon all the leaders of Kosovo. I understand that it will take time before that is fully accepted by all the communities of Kosovo.

The Ambassador of Norway also asked about the regional dimension of the situation. I personally believe that the process of stabilization of the Balkans has to combine the bottom-up and the top-down approaches. There has to be a clear message. I think that at the moment the message from the international community is very clear and evident: endless fragmentation and redrawing of borders is leading nowhere and is certainly not a factor for stability.

It is certainly very important that all the communities of Kosovo — and I think the same would apply in a different situation such as Bosnia — understand that tinkering with fundamental principles will not lead to stability and peace. At the same time, if we want stabilization — and that is what is so difficult in the work of UNMIK — there also has to be a bottom-up approach, where the local communities — and in the case of Kosovo we know how many different communities there are — begin to take responsibility and integrate into their own minds those principles, which cannot just be asserted by the top leaders. In that respect — and I think that this connects with what I was saying on focusing on the management of their daily lives — I am concerned when I visit a city like Mitrovica to see that the political agenda of all communities takes over the needs of attending to the practical management issues of a city. I think that the effort of our mission has to be in that direction. This will take time, but if we have a steady hand, I am confident that we will eventually be successful.

The President: I would ask the Council members who have not yet spoken to please concentrate on those

issues that have not yet been dealt with because we need to leave time for our two outside speakers, Yugoslavia and Sweden.

Mr. Kulyk (Ukraine): I would like to join others in expressing our thanks to Under-Secretary-General Guéhenno for his comprehensive and interesting briefing. I would also like to thank him for his answers to the questions that have been asked by previous speakers, which resulted in substantially shortening my remarks.

The briefing proved that, over the period under review, the United Nations Interim Administration Mission in Kosovo (UNMIK) in general has continued to make progress. We support the priorities set out by its head. My delegation welcomes the meeting between Yugoslav President Kostunica and UNMIK's head, Mr. Haekkerup, recently held in Belgrade, as well as its reported results. We are encouraged by the news that the Yugoslav authorities agreed to encourage the Kosovo Serbs to participate in finalizing the legal framework for provisional self-government for the province. We believe that the full participation of Kosovo Serbs, represented and assisted by legal experts from Belgrade in the activities of the relevant working group, would facilitate the solution to the important issue of the Yugoslav authorities' engagement. It is also essential for enabling the Mission to move forward the process of preparing the Kosovo-wide elections, with a view to holding them when all necessary conditions are met.

For its part, UNMIK should redouble its efforts to determine the fate of missing persons in Kosovo — almost one third of them Serbs — as well as to ensure the improvement of security conditions for Serb returnees. The idea mentioned by Mr. Guéhenno of a joint committee is an interesting one and could be supported as an important confidence-building step forward.

Through media reports, it has come to our notice that, at the meeting between the Yugoslav President and UNMIK's head, the prospects for signing an agreement on cooperation between Belgrade and the United Nations Mission in Kosovo were addressed. In this regard, it would be useful for Mr. Guéhenno to give us some more details on this matter, in particular what subjects would be covered by the agreement.

Concerning UNMIK's priority to promote an effective law enforcement and judicial system, we support the idea of concentrating the Mission's efforts in this field under a new, separate pillar. Special focus should be given to measures aimed at combating organized crime, illicit drugs and arms trafficking, as well as money laundering. We thank Mr. Guéhenno for the comments he has just provided on practical measures to that end. We consider that these measures should be strengthened.

We note that the briefing and our discussion so far have not focused only on the situation in Kosovo, but have touched on developments in the whole region. This testifies to the need for an effective regional approach of the international community to the existing problems. The specific remedies needed for Kosovo, the Republic of Macedonia and southern Serbia are different, notwithstanding the importance of general basic principles. In this context, we consider that the initiative of the Russian Foreign Minister, as referred to by Ambassador Lavrov in his statement earlier, on the signing by the countries of the region of a legally binding instrument on their commitment to the basic principles of international law, in particular the inviolability of the borders and territorial integrity, deserves careful study.

We are encouraged by the tendency of the overall security situation in southern Serbia towards stabilization. However, the continued attacks and provocations against the Serbian police, which jeopardize the further negotiation process, are a matter of serious concern.

As far as the situation in the Republic of Macedonia is concerned, we note its gradual de-escalation and look forward to progress in the process of negotiations among all parties, including those representing the ethnic Albanians, to be launched by the Macedonian Government and hope that it will build a momentum for national consensus, which will also positively influence the development of the situation in the entire region.

Mr. Kassé (Mali) (*spoke in French*): At the outset, let me thank Under-Secretary-General Guéhenno for his very detailed update. He has returned from Kosovo with good news, despite the violence that continues on the border between Kosovo and the former Yugoslav Republic of Macedonia.

Against that grim backdrop, we reaffirm our strong condemnation of terrorist acts committed by extremist groups. We say no to ethnic violence and

believe that ethnic extremism only makes the Balkan region more fragile and dangerously compromises the efforts now being made by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the international community. While we wait for this scourge to be suppressed, we continue to encourage UNMIK and the Kosovo Force (KFOR) to redouble their efforts to ensure security at the border between the former Yugoslav Republic of Macedonia and Kosovo.

To return to the good news brought by Mr. Guéhenno, we note with satisfaction the priorities set by the Special Representative of the Secretary-General. We believe them to be good priorities that can be implemented. I do not wish at this point to enumerate all those priorities, but we share the opinions expressed in particular about the elections and their legal framework. My delegation believes, however, that, if UNMIK is to continue to make progress, as it must do, it is important to strengthen cooperation with Belgrade. This cooperation must be enhanced so that certain difficult questions addressed in the Special Representative's priorities can be settled.

It is equally important to end the violence once and for all. Everyone, especially those who have the resources, should help UNMIK and KFOR in that regard. The future of this region, like any in conflict, lies in a political settlement. Coming from a region that is fighting against the illicit traffic in light arms, we fully support the points made by the Ambassadors of Jamaica and Colombia on this issue.

Finally, we support the proposals made by several delegations, beginning with the Ambassador of the Russian Federation, to send a Security Council mission to Kosovo at the appropriate time.

Mr. Cooney (Ireland): I will try to be as brief as possible. I should like to start by thanking Mr. Guéhenno for his very informative briefing and for the thoroughness with which he has answered many of the questions that have been put to him. Sweden is going to speak in a minute on behalf of the European Union, so I will make only a few brief comments here.

We would like to re-emphasize the need to ease frictions between the Albanian Serb and other communities in Kosovo. I would therefore just like to mention a number of areas where we feel there is room for earlier confidence-building measures in this regard.

First, on the unacceptable level of violence against minority ethnic groups, we feel that the Council must insist that those with influence in their communities use that influence correctly to oppose such activities. I warmly welcome Mr. Guéhenno's report that he emphasized to the communities there the need to do this.

Secondly, there is a need for the early return of refugees. This has already been dealt with at some length, but all I would do is encourage the United Nations Interim Administration Mission in Kosovo to continue to give a high priority to its efforts in this regard.

As to the release of the remaining Kosovar Albanian political prisoners, we have already welcomed the action of the Yugoslav authorities in adapting and implementing an Amnesty Law, but I must say that I was surprised to hear from Mr. Guéhenno that over 400 Kosovar Albanians are still in detention. I would just like to ask why this is so and how soon they will be released.

Lastly, on missing persons, we fully support the idea of a joint mechanism or a joint committee to clarify the fate of missing persons, but we would like to see a representation of all affected communities on such a mechanism.

Mr. Neewor (Mauritius): We very much appreciate the comprehensive briefing by Under-Secretary-General Guéhenno. We take note that important progress has been made under the leadership of Mr. Haekkerup to finalize the legal framework for substantial autonomy for Kosovo within the mandate of resolution 1244 (1999).

We welcome the talks between Mr. Haekkerup and President Kostunica, who has agreed to urge Kosovo Serbs to participate in the preparation of the legal framework and in the elections. We regard such dialogue as extremely important for proper implementation of resolution 1244 (1999).

Heeding the President's appeal to be brief, I will comment very briefly on the elections. We believe that for elections to be credible they must not only be free and fair, but all communities must be able to participate in them. That can happen only if conditions of safety and security exist in which minority groups can exercise their franchise freely and without fear or

hindrance. To that end, we consider the following extremely important.

First, all refugees and internally displaced persons should be encouraged to return to their homes. Secondly, the voter registration process should take care to access every potential voter, and the voter list should be as thorough as possible. Thirdly, the legal framework must be such that minority communities feel assured that they will have full rights to adequate representation from the very beginning, not only in the legislature but also in the administration.

Taking into account that the elections in Kosovo will undoubtedly have implications for the whole region is another reason why we have to ensure that the outcome of the Kosovo elections is fully credible by any standard. There are other places where there are multi-ethnic communities and in which democratic elections do take place. I do believe that examples available outside can be looked at by the United Nations Interim Administration Mission in Kosovo in working out the legal framework for Kosovo.

Finally, I hope that the Security Council will have the opportunity to discuss the legal framework when the draft is ready.

The President: Before I turn to non-members of the Council, let me just say a word in my national capacity as the representative of the United Kingdom.

Sweden will make some general points on policy, to which we subscribe, when its representative speaks for the European Union.

I just want to make one point on law and order, which we fully subscribe to as a full priority of the United Nations Interim Administration Mission in Kosovo (UNMIK) — and rightly so. I note Mr. Guéhenno's comment that the number of international judges and prosecutors needs to be doubled. The United Kingdom is very ready to try to contribute to that. But we need a direct formal request, please, and we will act on that. The Secretariat also needs to look at the funding aspects of this as soon as possible. We would be grateful for some guidance on that.

Everybody has focused on the elections, and we do too. But I will not speak in detail. There is obviously a political risk that if you have an election campaign, the wider questions of the future status of Kosovo are going to be opened up. That, of course, is not a reason for not having elections. We have got to move through the stages of bringing Kosovo back to normal political life, and we have to take those risks. But all of us will be watching very closely to see to it that Security Council resolutions are fulfilled and implemented and that the community leaders understand the limits under which they are working, that any changes for the future have got to be agreed, obviously, by the whole community of those who are closely involved.

Finally, we are very pleased that the Special Representative has visited Belgrade and that he has had good discussions with President Kostunica and others. Foreign Minister Cook was there the day before the Special Representative; he also had very constructive discussions with the leaders in Belgrade. I think the tone is beginning to change, and that brings us to the hope that both sides of this question are beginning to understand the need for ethnic reconciliation. I hope that can be taken forward under the new leadership in Belgrade.

I now resume my function as President of the Council.

Turning to non-members of the Council to speak now, I give the floor to the representative of Yugoslavia.

Mr. Sahovic (Yugoslavia): Since this is my first statement in the Security Council this month, allow me at the outset to congratulate you, Mr. President, on your assumption of the presidency for the month of April. I also want to thank Under-Secretary-General Guéhenno for his detailed and very interesting and informative briefing.

In view of the character of this meeting, I will restrict my comments to only some of the issues mentioned here today. From the briefing and the subsequent interventions by the members of the Council, it is evident that the situation in Kosovo and Metohija, the province of the Yugoslav Republic of Serbia, is still a cause for serious concern due to continued violence against non-Albanian communities, primarily the Serb community.

Many outstanding issues remain unresolved — the lack of security for non-Albanians, the absence of conditions for the return of displaced persons to Kosovo and Metohija and the further militarization of the province, to name just a few. Additionally, we are particularly interested that the issue of missing persons

be given urgent attention and that concrete steps be taken to find out what has happened to them. One such step would be the establishment of a joint committee, which has been mentioned here by Mr. Guéhenno.

On the other hand, we should also point out some of the significant positive signs as well. First and foremost, I have in mind the fact that last week President Kostunica met with the Special Representative of the Secretary-General, Mr. Haekkerup. The visit of the Head of the United Nations Interim Administration Mission in Kosovo (UNMIK) to Belgrade, which we warmly welcomed, is a clear manifestation of the readiness for mutual cooperation between the Federal Republic of Yugoslavia and the United Nations Mission in Kosovo. Opening an UNMIK office in Belgrade — and we are looking forward to further discussions on the issue of status — will certainly contribute even further to the promotion of that cooperation. I believe that this will also provide encouragement to the Serbs of Kosovo and Metohija to participate in the process of rebuilding everyday life in the Province.

In that connection, I would like to point out that the question of participation by the representatives of the Serb community of Kosovo and Metohija in the UNMIK Working Group on the elaboration of the legal framework for the elections in the province has been resolved. They are ready to give their constructive contribution. It is of the utmost importance that they be given proper security guarantees, as well as guarantees concerning equal participation in the Working Group. Their number in the organs of local self-government should also be increased.

The elaboration of the legal framework is crucial for the holding of the province-wide elections in Kosovo and Metohija. Indeed, Yugoslavia is interested in cooperating with UNMIK in organizing those elections. Yet, as my delegation has pointed out on many occasions, for those elections to take place it will be necessary to define properly the structures for which the elections will be held, to determine the competencies of the structures, and ensure adequate representation of Serb and other non-Albanian communities in these structures.

The return of displaced persons, at least to those areas where such returns are possible, is also extremely important. Obviously, this is a difficult process, and it should be approached very scrupulously and in strict compliance with the provisions of Security Council resolution 1244 (1999), particularly those relative to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. Therefore, Yugoslavia wants, and should play, an appropriate and active role in the whole process, including the work on the legal framework.

Allow me also to make some comments on another issue mentioned in the briefing: the situation in the ground safety zone in southern Serbia. Violent incidents caused by Albanian extremist and terrorist groups in the area, with casualties on the Serbian side, including among civilians, continue, while the fate of persons abducted by those groups remains unresolved. Yet the Government of my country will not be deterred from pursuing the course of dialogue and bringing about a peaceful political solution to the problem. In that regard, we are continuing to work towards the full implementation of the Covic plan, including further entry by our forces into sectors agreed upon in contacts with the North Atlantic Treaty Organization (NATO).

Regarding the situation in the ground safety zone in southern Serbia and in the neighbouring Republic of Macedonia, I would like to emphasize again on this occasion the importance of recently adopted Security Council resolution 1345 (2001) as a constructive contribution to efforts to end the cycle of violence and to bring stability to the region as a whole. We are also encouraged by the recent additional efforts of KFOR more effectively to control borders and boundaries in the area.

In conclusion, let me reiterate the position of my Government: that true and lasting solutions to the problems in Kosovo and Metohija can be brought about only by full and consistent implementation of Security Council resolution 1244 (1999) and through dialogue and cooperation, to which the Federal Republic of Yugoslavia remains fully committed.

The President: The next speaker is the representative of Sweden. I invite him to take a seat at the Council table and to make his statement.

Mr. Schori (Sweden): I thank Mr. Guéhenno for his very informative briefing; he left no questions unanswered. As members know, I have the honour to speak on behalf of the European Union and on behalf of all the associated countries of the European Union, as well as of the European Free Trade Association

country member of the European Economic Area Iceland.

I will spare the Council my full statement, copies of which are available to members. Let me pick out just three points. First of all, I would mention the situation of minorities in Kosovo. According to recent reports from the Office of the United Nations High Commissioner for Refugees and the Organization for Security and Cooperation in Europe, the situation is getting worse and worse. But not only that: there are signs that these terrorist acts, harassment and attacks are increasingly well coordinated and organized. It is therefore so important to insist that all political leaders, especially Kosovo Albanian leaders, act in deeds as well as in words.

My second point relates to missing persons. I welcome the constructive attitude just expressed by the previous speaker. I would say that it is important to clarify the fate of all missing persons. The setting up of the joint mechanism is one positive step that must be continued.

Thirdly, the European Union welcomes the adoption of Security Council resolution 1345 (2001) regarding the situation in south-eastern Serbia and the Former Yugoslav Republic of Macedonia. At a time when new perspectives for the region are opening up, we wish to underline that there is no future for those who seek to achieve their aims by violent means, whether for nationalist or other causes. The European Union will support only those who choose the path of peace, democracy, reconciliation and regional cooperation. In that context, we welcome the signing today of the Stabilization and Association Agreement between the European Union and the former Yugoslav Republic of Macedonia.

Finally, Ambassador Mahbubani evoked the ghost in *Hamlet* and put some questions. I would say that the difference between Hamlet's times and these times is that we have hundreds of thousands of ghosts to deal with — and that is why we are here.

The President: I thank the representative of Sweden for distributing the text of the Swedish statement on behalf of the European Union and for confining himself, in this format, to oral comments. I find that a very useful approach in our interactive mode, and recommend it to other non-members of the Council when they wish to represent their views in Council debates in this style.

I see that the Under-Secretary-General has some final brief comments on the latest statements, and I call on him now.

Mr. Guéhenno: There were a few questions still to be answered. In fact, I forgot to answer a question on Montenegro that was put by the delegation of Norway. I do not want to prejudge the outcome of the elections and the future path that Montenegro will take. When I was in Kosovo, I heard very conflicting assessments of what that impact would be. I am sorry to have an answer that is more a question than an answer, but I think that is the honest status of our thinking at the moment on that impact.

Ukraine raised the question of how the agreement with Belgrade was developing. What is now under negotiation is a Status of Mission Agreement between the Federal Republic of Yugoslavia authorities and the liaison office of the United Nations Interim Administration Mission in Kosovo (UNMIK). I am pleased to say that we heard after the meeting between President Kostunica and the Special Representative of the Secretary-General that such a meeting should be concluded very soon; it will help address both substantive issues that we have discussed this morning and also very practical issues relating to the establishment of that office in Belgrade.

Ireland asked why there were still so many Albanians detained in Serbia proper. The Federal Republic of Yugoslavia and Serbian amnesty laws covered political prisoners, but excluded those sentenced under terrorism charges. The 400 prisoners that the representative of Ireland referred to were sentenced under such terrorism charges. I was pleased to hear that President Kostunica has assured the Special Representative of the Secretary-General, Mr. Haekkerup, that that category of cases — and among them is a particularly sensitive group called the Djakovica group — will be dealt with soon. So that should be resolved in the near future.

I think I will stop there for the sake of brevity.

The President: I thank the Under-Secretary-General for his clarifications.

Let me say a very brief word of follow-up and conclusion. Could the Under-Secretary-General pass on to the United Nations Interim Administration Mission in Kosovo (UNMIK) and to the Special Representative of the Secretary-General the Council's very warm thanks for the hard work they are doing on law and

order, on preparation for the elections and on the whole range of business. We recognize the very hard task they have, and we thank them for the work they are doing.

The Council will continue to monitor this issue very closely. Let me just draw from today's discussion the points on which we will continue to need briefing from the Secretariat and on which this morning's discussion has placed emphasis.

Clearly, the elections and the whole political process constitute a vital area. I think we have brought out this morning the importance of organizing the elections in a way that brings the communities together, a point made by the representative of the Russian Federation and by many other speakers. The inclusiveness of the political process is extremely important to the Council in terms of trying to re-form a multi-ethnic Kosovo. We are glad that the business of the Serb representative on the Working Group has been resolved; that is a good sign. And it is good news that UNMIK is establishing a proper office in Belgrade, with communication flowing from it and to it.

Law and order is very clearly a priority. The new pillar I has been formed and is very welcome. Within that area an accent was put not just on the structures of law and order and the judiciary, but also on the traffic of weapons and the illicit traffic in arms. Jamaica and others referred to that, and we will want to come back to that point if the Secretariat and UNMIK are having problems on it, which they probably will.

The whole security issue is, of course, important, most of all ethnic violence. We are pleased with the progress that has been made, but there is a huge amount to do, not least on extremism. We may come back to extremism when we return to this subject in the Council. We would like the Secretariat and UNMIK to give further thought to that. But the representative of Ireland made the point that community and ethnic leaders must lead on this issue: stay within the law, within the resolutions, within the international framework, and take things steadily, with law and order firmly in mind.

Economic reconstruction is obviously important. It speaks for itself. I am glad to hear from the Under-Secretary-General that it is beginning to be in significantly better shape.

On the humanitarian side, refugees returns, internally displaced persons, missing persons and detainees have all been brought up, and we will want to monitor very closely the progress that is being made in that respect. Bangladesh made a point about the rapporteur on missing persons, on which we would like an answer back to the Council. I think he is reporting to the High Commissioner for Human Rights, but he might like to keep the Council informed.

We have not forgotten the whole regional context. It is a very large context. Macedonia has been mentioned. Southern Serbia has been mentioned. But we approach Kosovo in the regional framework and we want to have broader discussions, maybe privately later this month, on that issue.

We are very conscious that UNMIK has to work with KFOR, with the local communities and with the regional governments, and therefore it is important to us that we have briefings and information, coming particularly from the Kosovo Force (KFOR). We will be in touch with the KFOR leadership to see if we can have an interchange with them on the subject of security in particular.

Finally, many members of the Council mentioned the proposed mission, with support for the idea. That is something that the United Kingdom presidency will follow up during the course of this month. We will have discussions in informal consultations on that, with a view to a timing that does not get in the way of the preparations for the elections. I think we will need to be conscious of that.

I would therefore like to end by thanking the Under-Secretary-General for his very constructive briefing and full answers to questions. I think the nature and style of this meeting has shown its worth in its interactivity.

Just one small word of praise and thanks to those we do not often praise and thank — in addition to the interpreters, who have to put with a lot of adlibbing in this format — and that is to the transcribers and the stenographers, who also have a much more difficult task when we are all speaking off the cuff and not from written remarks. Thank you for the work you do all the time, but particularly for these particular sorts of meetings.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. It will remain seized of the matter.

The meeting rose at 1.25 p.m.

United Nations S/PV.4309/Corr.1

Security Council

Fifty-sixth year

Provisional

4309th meeting

Monday, 9 April 2001, 10.50 a.m.
New York

Corrigendum

Page 2

Insert the following before **Adoption of the agenda**:

The President: Before I start this morning's business, I would like members of the Council to be aware that I have had a request from the delegation of the Rwandese Republic to observe a minute of silence in remembrance of the victims of genocide in Rwanda, on the seventh anniversary of that genocide. If there is no objection from members of the Council, I would like to ask everyone in the room to stand for a moment to commemorate the victims of genocide in Rwanda in 1994.

The Council observed a minute of silence.

01-32992 (E)

United Nations S/PV.4309/Corr.2

Security Council

Fifty-sixth year

Provisional

4309th meeting

Monday, 9 April 2001, 10.50 a.m.
New York

Corrigendum

Page 19, first column

Second full paragraph

Ninth line: for agreed to encourage *read* agreed to urge

Thirteenth line: for Kosovo Serbs, represented and assisted by legal experts from Belgrade *read* Kosovo Serbs' representative, assisted by legal experts from Belgrade

Third full paragraph, sixth line

After joint committee *insert* on missing persons

Fourth full paragraph, sixth and seventh lines

For it would be useful for Mr. Guehenno to give us *read* it would be useful if Mr. Guehenno gave us

01-33652 (E)

United Nations S/PV.4310

Security Council

Fifty-sixth year

Provisional

4310th meeting

Thursday, 19 April 2001, 12.40 p.m.

New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bangladesh	Mr. Amin
	China	Mr. Chen Xu
	Colombia	Mr. Valdivieso
	France	Mr. Teixeira da Silva
	Ireland	Mr. Cooney
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Neewoor
	Norway	Mr. Kolby
	Russian Federation	Mr. Granovsky
	Singapore	Mr. Bhatia
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kuchinsky
	United States of America	Mr. Hume

Agenda

The situation between Eritrea and Ethiopia

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-33930 (E)

The meeting was called to order at 12.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Eritrea and Ethiopia

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Guéhenno on the situation between Eritrea and Ethiopia. Accordingly, there is no list of speakers. I shall call speakers as they apply to the President or the Secretariat in the normal way of our informal consultations in open chamber. If speakers raise questions, I might turn to Mr. Guéhenno to answer those questions as they come up.

I give the floor to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

Mr. Guéhenno (*spoke in French*): Since 13 March, when the Special Representative of the Secretary-General, Mr. Legwaila Joseph Legwaila, briefed the Council on the situation in Ethiopia and Eritrea, a great deal of progress has been made. It is therefore with particular pleasure that I can report today on that progress in the peace process.

Yesterday, 18 April, the Special Representative announced the establishment of the Temporary Security Zone (TSZ), which marks the formal separation of the Ethiopian and Eritrean forces. This is an important stage which will allow for the restoration of the Eritrean civil administration and the return of displaced persons to the Temporary Security Zone.

The United Nations Mission in Ethiopia and Eritrea welcomed Eritrea's announcement on 16 April that it had concluded the repositioning of its forces out of the Temporary Security Zone, as proposed. As the members of the Council are aware, UNMEE verified, on 7 March, the redeployment of Ethiopian armed forces out of the Zone.

In a statement issued yesterday, Special Representative Legwaila commended Ethiopia and Eritrea for the establishment of the Temporary Security Zone, as stipulated in the Algiers Agreement on Cessation of Hostilities. The United Nations Mission in Ethiopia and Eritrea is continuing to work with both parties to resolve a number of outstanding problems concerning the southern boundary of the TSZ.

Mr. Legwaila's statement also notes that both parties have sought to make adjustments to the southern boundary of the Zone as presented to them by UNMEE after the 6 February meeting of the Military Coordination Commission. In this connection, UNMEE has expressed its regret that Ethiopia did not communicate the full nature of its redeployment plans in the Irob area. As members of the Security Council will recall, UNMEE protested on 22 March the presence of Ethiopian troops inside the then-proposed Temporary Security Zone. However, the Mission expects to reach agreement on the clarification of the redeployment lines provided by Ethiopia and to gain a more accurate understanding of the differences between the parties on the ground in specific localities. This will ensure, insofar as possible, the inclusion in the Temporary Security Zone of the villages to which Eritrean internally displaced persons are expected to return.

At a press conference on 18 April, the Special Representative reminded the parties that it was their obligation to ensure that all returnees are able to go back to their villages of origin. In addition, UNMEE has reported that some Ethiopian military forces in the eastern sector have moved forward slightly in the Temporary Security Zone from the confirmed redeployment position. Discussions on the subject with the Ethiopian authorities are ongoing.

In accordance with the 18 June 2000 Cessation of Hostilities Agreement, the establishment of the TSZ will permit the restoration of Eritrean civilian administration, including police and local militia, and allow preparations to be made for the return of the

population. On 17 April, UNMEE and the Government of Eritrea signed a protocol that will govern relations between UNMEE and the police and militia units that will return to, and be present in, the Zone. That protocol establishes, inter alia, that police and militia should be clearly identifiable and are allowed only to carry personal weapons, with an arms permit. While Eritrea has not yet shared with UNMEE all of its plans for the restoration of civilian administration to the Zone, some militia and police members have already started returning to areas in the TSZ. UNMEE is still awaiting notification from the Eritrean side of the exact numbers of police, militia, customs police and border police that will return to the Zone.

(*spoke in English*)

The most immediate challenge now facing Eritrea, and the international community, is indeed the return of displaced persons to the Temporary Security Zone. In a meeting with the Special Representative of the Secretary-General held on 18 April, President Afwerki confirmed that Eritrea considered the return of displaced persons prior to the rainy season to be a top priority. Accordingly, Eritrea is planning for the return of approximately 300,000 displaced persons to the Zone within the next six to eight weeks. So far, there have been only a few thousand returnees, most of them to areas of the TSZ which were under Eritrean control during the hostilities. UNMEE has made clear to the Eritrean authorities that a precipitous return could put returnees in a dire humanitarian situation. Linked to these returns is the threat posed by the large quantities of landmines and unexploded ordnance in the areas of return.

A steering committee for humanitarian assistance in the Temporary Security Zone, with the participation of the Eritrean authorities, the United Nations Resident Coordinator/Humanitarian Coordinator and UNMEE, was established in March. Between 2 and 5 April, a rapid village assessment was conducted in the area of Gash Barka, where many returns are expected. The Eritrean Relief and Refugee Commission and the humanitarian community team conducting the assessment noted the importance of the returns' beginning in time for the annual planting season. It also recommended, inter alia, that mine-related interventions and projects aimed at providing basic services — especially water, shelter, food, health care and education — be implemented, as they are essential to encourage returns. A similar rapid assessment rapid is planned for Debub region beginning 23 April. Sectoral working groups chaired by the Government of Eritrea have been convened to address these recommendations.

The quick-impact project programme launched by UNMEE offers a limited but fast source of funds disbursement for essential projects in the Zone. As the Council will recall, the budget for UNMEE includes $700,000 for the implementation of such projects in the TSZ and adjacent areas in both Eritrea and Ethiopia. So far, 14 projects — for a total budget of over $160,000 — have been approved by the Special Representative of the Secretary-General. However, quick-impact projects are, as their name indicates, a stop-gap measure, which cannot substitute for much-needed larger-scale interventions. The humanitarian challenges linked to the establishment of the Temporary Security Zone are enormous. The United Nations calls upon the international community to contribute generously to the United Nations Country Team appeals of the two countries.

As I mentioned before, UNMEE remains very concerned about the landmine situation. In response to repeated requests from the Mission, Eritrean authorities recently provided 313 minefield records, which are currently being examined by UNMEE. The Ethiopian authorities have also provided some minefield information, but additional clarifications are being sought. As regards demining operations in the TSZ, these have been restricted to limited clearance operations, reportedly conducted by the military forces of both sides prior to their redeployment and realignment, and to the demining tasks undertaken by UNMEE's engineer units in support of the deployment of the peacekeeping operation. Currently, there are limited mine and unexploded ordnance clearance and minefield-marking activities being carried out inside the TSZ. In addition, an international demining non-governmental organization is conducting a dangerous area survey in the TSZ. Mine-awareness activities have been initiated throughout the mission area.

Turning to operational issues, I am pleased to inform the Council that the deployment of the Mission is now almost complete. As of 17 April, the strength of the military component of UNMEE stood at 4,360 personnel, of which 501 are national support elements. This figure includes 218 military observers. I am also pleased to inform members of the Council that the Status of Forces Agreement (SOFA) with Ethiopia was

signed on 23 March. We also hope that progress will soon be made in our ongoing negotiations on the SOFA with Eritrea.

The issue of direct flights between Addis Ababa and Asmara, on which the Council was extensively briefed on previous occasions, is still unresolved. UNMEE continues to face repeated restrictions of movement in all three sectors. These are being addressed with military authorities on a case-by-case basis. In this connection, I would like to remind the parties of their obligations under the Agreement on Cessation of Hostilities, in particular the granting of unfettered direct-access flights and freedom of movement throughout UNMEE's area of operations. During the reporting period, there has been no significant violation of the ceasefire and the situation remains calm. I regret to inform Council members that, on 16 April, three Jordanian soldiers were injured, two of them seriously, when their vehicle overturned on a road in sector West.

As indicated in the Agreement on Cessation of Hostilities, and as UNMEE has reiterated to the parties on numerous occasions, the TSZ is temporary in nature and does not prejudge the final status of the contested areas, to be decided by the Boundary Commission established by the 12 December Algiers agreement. In this connection, it should be mentioned that the Boundary Commission held its first informal meeting in The Hague on 25 and 26 March, with the participation of the agents for both Ethiopia and Eritrea. At that meeting, the Commission presented to the parties a tentative timeline of activities. A team from the Office of the Secretary of the Commission is currently in Asmara drawing up a plan of action for the on-site activities required by the delimitation and demarcation of the border.

However, the formal orders putting in motion the work of the Commission can be issued only once the challenge to one of the Commissioners, interposed by Ethiopia, is resolved. At the request of the President of the Boundary Commission, the Secretary-General has been asked to resolve this challenge. He has a similar responsibility with regard to the challenges interposed by both parties to three out of five members of the Claims Commission. The Secretary-General met yesterday with the Permanent Representatives of Ethiopia and Eritrea to seek a solution to the current impasse.

The Presidents of both Commissions have requested the parties to make deposits to cover the initial costs of these two bodies, pursuant to the commitments undertaken by the parties in the 12 December Algiers Agreement. While some contributions to the Claims Commission have been received, the parties have not yet made any deposits to the Boundary Commission.

In conclusion, I would suggest that the Security Council express its appreciation for the remarkable progress achieved so far. At the same time, the Council may wish to encourage the parties to cooperate fully with UNMEE and the United Nations in the resolution of all outstanding issues and, in particular, with the Secretary-General in his efforts to resolve the impasse regarding the composition of the Boundary Commission and the Claims Commission. As members of the Council are aware, the exit strategy of UNMEE is linked to the successful completion of the work of the Boundary Commission. It is therefore essential that the Commission be able to begin its work without further delay.

Mr. Hume (United States of America): We are very grateful for the briefing just provided by Under-Secretary-General Guéhenno. We would like to congratulate the Secretariat on the progress achieved in establishing the Temporary Security Zone and, in particular, on the work done by Special Representative Legwaila in dealing with the two capitals.

Deploying the Nations Mission in Ethiopia and Eritrea (UNMEE) has become a real model for peacekeeping operations and much of the credit goes to the troop contributors.

The establishment of the Temporary Security Zone is the third real milestone in the Ethiopia-Eritrea peace process. We had the June Agreement on Cessation of Hostilities, then the December peace agreement, and now the Temporary Security Zone.

We are encouraged that some positive steps have been made on the Boundary and Claims Commissions and on the successful repatriation of prisoners of war and internees.

The United States has worked hard with the parties, colleagues here, the Department of Peacekeeping Operations, UNMEE and the Organization of African Unity to help move this process forward. We will continue our efforts and we

support the critical work being done by UNMEE and others. In this regard, we share the concern expressed that the parties need to take important steps to bring about peace and stability in their area. One of the most important things they can do is to ensure that the return of internally displaced persons is carried out in a careful manner, not a precipitous one. We urge the parties to aid UNMEE to proceed cautiously, particularly in the light of the thousands of mines that they have distributed generously in the area.

Mr. Jerandi (Tunisia) (*spoke in French*): I, too, would like to thank Mr. Guéhenno for his very important briefing to us and, above all, for the good news he has just announced, in particular regarding the signing by the two parties yesterday of the agreement establishing the Temporary Security Zone.

We believe that, as the two parties have already reached agreement, they should focus their efforts on the implementation of the final, decisive stage of the peace process: the delimitation and demarcation of the borders. In this context, we would like to encourage the Governments of the two parties to redouble their efforts to finalize arrangements for the establishment of the Boundary Commission, in accordance with the provisions of the peace Agreement of 12 December and the Agreement on Cessation of Hostilities, so as to enable the process of demarcation and delimitation of borders to begin.

Furthermore, we earnestly encourage the two parties to continue to cooperate fully with the United Nations Mission in Ethiopia and Eritrea (UNMEE), in particular in the area of demining, a subject about which Mr. Guéhenno provided so much detail. The question of the demining of the border zone is of pivotal importance, and we would like to know whether UNMEE has available all the necessary maps showing the location of the landmines so that they can be removed, thereby enabling displaced persons to return to those areas before the beginning of the rainy season.

Of course, we cannot fail to pay tribute to UNMEE for the outstanding efficiency that it has demonstrated in carrying out its mandate.

Mr. Kuchinsky (Ukraine): We would like to thank Mr. Guéhenno for his very informative and comprehensive briefing.

We welcome the fact that yesterday the United Nations Mission in Ethiopia and Eritrea (UNMEE) officially established a Temporary Security Zone along the countries' common border. This represents a milestone in the resolution of the conflict. It is an important step towards eliminating the legal and security vacuum in the relevant areas. It allows for the immediate restoration of civil administration and the return of internally displaced persons, which is particularly urgent given the impending rainy season and the need to reconnect existing villages and communities to their administrative support systems.

We are also pleased to note that, on Sunday, UNMEE signed a protocol agreement with Eritrea outlining rules of interaction between United Nations peacekeepers and Eritrean security personnel in the Temporary Security Zone. We call on both parties to continue to support the efforts of the Special Representative, Ambassador Legwaila, keeping in mind that the zone is a temporary arrangement and in no way prejudges the final status of contested areas. We also wish in particular to emphasize the importance of the work of the Boundary Commission, entrusted with the delimitation and demarcation of the border between the two countries.

Finally, I have a few questions to put to Mr. Guéhenno. The Council was informed some time ago that the Government of Ethiopia had objected to one of the commissioners nominated by Eritrea. Has this issue been resolved? The success of the Boundary Commission will depend upon adequate financial support for its activities. We are aware of the limited resources of the Trust Fund, but is there any indication from the parties of the financial arrangements that they have made, or intend to make, to meet the obligations undertaken in the agreement of 12 December?

Finally, Mr. Guéhenno informed us that there are still some problems with the establishment of direct flights between the capitals. This question was discussed during our most recent meeting and we were also informed by the representatives of the two countries that they are ready to do their utmost to deal with this precarious situation. What, therefore, is behind the delay this time?

Mr. Teixeira da Silva (France) (*spoke in French*): I, too, would like to thank Mr. Guéhenno for his statement, which contained some good news.

I shall confine myself to putting a question to him, echoing what Ambassador Kuchinsky has just said about the work of the Boundary Commission. In paragraph 6 of resolution 1344 (2001), which we adopted a month ago, the Secretariat was asked to provide more detailed information about the financing of the work of the Commission. We would like to know when that information will be available and whether the Assistant Secretary-General would, as of today, be in a position to provide further details about the funding of the work of the Commission. We recognize the importance of the Commission, and would like to know about the commitment of the parties themselves, the payments made to the Trust Fund and the nature and degree of the support that the United Nations Mission in Ethiopia and Eritrea can contribute to the work of the Commission.

Mr. Neewoor (Mauritius): I should like to thank Mr. Guéhenno for his very comprehensive and informative briefing on the current situation in Ethiopia and Eritrea. We appreciate it, especially in the light of the positive developments on which he has reported. We welcome the establishment of the Temporary Security Zone (TSZ), as announced by the United Nations Mission in Ethiopia and Eritrea (UNMEE) yesterday. The establishment of the TSZ, which marks the formal separation of the Ethiopian and Eritrean forces is indeed a very important milestone in progress towards the resolution of the conflict. The signing of the agreement between UNMEE and the Eritrean commissioner for coordination with UNMEE, outlining the rules of interaction between United Nations peacekeepers and Eritrean law enforcement and security elements, is of great significance in ensuring the complete freedom of movement of UNMEE.

We fully support this important progress, which is so vital for the successful fulfilment of the mandate of UNMEE. We regret, however, that the subject of a direct air link between Addis Ababa and Asmara is still unresolved. We would like to call upon both sides to address this issue without further delay, as it interferes with the freedom of movement of UNMEE.

We commend and thank Ambassador Legwaila for all the efforts that he has undertaken to resolve the impasse that had delayed the establishment of the TSZ. We are hopeful that, given the recent developments, the work of the Boundary Commission will gain momentum.

Finally, I would like to appeal to both Ethiopia and Eritrea to address, on humanitarian grounds and without further delay, the question of internally displaced persons and refugees. We believe that this is a very important issue for the final resolution of the difficulties between the two countries.

Mr. Cooney (Ireland): I shall be brief. I would like to thank Mr. Guéhenno for his briefing and for the good news that he has brought today. We agree with his proposal relating to elements for the message that the Council should send out from today's discussion.

I would like to make just one point, relating to the work of the Boundary Commission. We agree with his suggestion that the Council urge the parties to cooperate with the Secretary-General with a view to removing the obstacles to the start of work of the Commission. But we would also like the Council to remind the parties of their obligation to provide financial contributions to the work of the Commission as a tangible demonstration of their commitment to this process.

Mr. Kolby (Norway): We welcome the fact that Ethiopia and Eritrea have cooperated constructively with the United Nations Mission in Ethiopia and Eritrea (UNMEE) since the signing of the Algiers peace Agreement. We are encouraged by the latest progress; certainly, the establishment yesterday of the Temporary Security Zone is a milestone. The full deployment of UNMEE can now be undertaken, and that is a key element in the implementation of the peace Agreement.

We note with appreciation the expeditious deployment of UNMEE, facilitating the redeployment of the military forces of both countries, and we would like to express our appreciation to those Member States that have provided UNMEE with forces and with additional assets. Norway, for its part, has deployed five military observers to UNMEE, and we have also contributed resources to the civilian component of the Organization of African Unity (OAU) military observation unit. We strongly support Ambassador Legwaila's mission.

We would like to emphasize the close relationship between UNMEE and the Boundary Commission established under the comprehensive peace Agreement. As we understand it, termination of the mandate of UNMEE requires completion of the process of delimitation and demarcation of the Ethiopia-Eritrea

border. Therefore, an early start of the work of the Boundary Commission, including proper arrangements for the Secretary of the Commission, would, in Norway's view, constitute a most cost-effective use of resources. We therefore support the approach proposed by the Secretary-General in that regard, and we favour an expeditious handling of the manner in order to facilitate the earliest possible start of the pivotal work of the Boundary Commission. We also appreciate the efforts of the Netherlands in facilitating the recent preliminary meeting of the Commission, which was convened at The Hague.

The Government of Norway has contributed substantially to the United Nations trust fund established for border delimitation and demarcation, and we hope that other members also will be able to provide contributions.

Building on the momentum created by the establishment of the Temporary Security Zone, every effort should now be made by the parties to find practical solutions to the remaining outstanding issues, especially those related to the Irob area, to allow the peace process to move forward. We also believe that the establishment of a direct air corridor between Addis Ababa and Asmara, to ensure freedom of movement for UNMEE flights, and the conclusion of the necessary status of forces agreement between Eritrea and the United Nations would also enhance the peace process.

Norway would like to urge the parties to continue their efforts in the following areas: first, to facilitate mine action in coordination with the United Nations Mine Action Service — Norway will continue to support mine action activities; secondly, to ensure the release and the voluntary and orderly return, under the auspices of the International Committee of the Red Cross, of civilians and prisoners of war, and generally to provide humane treatment; thirdly, to ensure safe and unhindered access for humanitarian assistance to those in need and to respect strictly the relevant provisions of international humanitarian law; and finally, to redirect efforts towards reconstruction and development, and to work towards reconciliation with a view to normalizing relations and further stabilizing the Horn of Africa.

Norway continues its support, inter alia, for dialogue between the religious leaders of the two countries. Norway froze and withheld development aid at the height of the war last year, but intends to continue development cooperation with both countries. We will contribute to the humanitarian appeals of the United Nations. We consider it important at this stage that the parties, with the assistance of the international community, focus their efforts on peace, reconciliation and stability measures supported by activities in the areas of democracy, human rights and good governance. We believe that only democratic development and an environment of good governance in both countries can guarantee the future stability of relations between the two countries.

The President: The speakers' list has grown a little. I would like to come back to the Under-Secretary-General to pick up the points that have been raised so far. Then I shall suspend the meeting until later this afternoon. I call on Mr. Guéhenno.

Mr. Guéhenno (*spoke in French*): The first question, posed by the representative of Tunisia, related to mines and demining efforts in the area. Cooperation with the parties has been good in terms of obtaining the information we need. As I have noted, Eritrea has provided 313 detailed maps of mined areas; Ethiopia too has provided substantial information, and we are expecting supplementary information from Ethiopia. The full demining of the area will undoubtedly involve considerable work; in the meantime, we must mark mined areas and keep the population away in order to avoid the tragedy of civilians stepping on unmarked mines.

(*spoke in English*)

The representative of Ukraine asked about the status of the commissioners. We hope that the issue of commissioners both on the Boundary Commission and on the Claims Commission will be resolved promptly. Both parties have shown a spirit of cooperation, and we hope that that spirit will help resolve this problem. But at the moment I cannot give an answer to the question.

The representatives of Ukraine and of France also asked about the financing of the trust fund for the Boundary Commission, and about the financial arrangements for the Commission. First, let me say that the recent contributions and pledges to the trust fund would put its balance at $5.7 million. And the Boundary Commission has requested each party to make deposits towards meeting the costs of the Commission. The budget for the logistics of the Commission is not yet there, because it has to be developed on the basis of a detailed assessment, in the

field, of what exactly will be needed. At the moment, a team from the office of the Chief of the Cartographic Section of the Secretariat is in Asmara; it will establish such a plan of field activities. It is on that basis that we will then be in a position to address very precisely the request of the Security Council about the exact logistical costs for the Boundary Commission.

The question of direct flights was also raised by several delegations. The Ethiopian party has agreed to a route that is almost direct but that slightly deviates from a direct route because that would overfly some Ethiopian defensive positions. At the moment, the Eritrean party insists on an absolutely direct route. It is that difference that, for the moment, has not yet been overcome and that prevents a direct route — and it is a really circuitous route that has to be taken: almost going through Djibouti, so it is two sides of a triangle instead of one line between the two capitals.

The President: I am going to suspend this meeting until 3.45 p.m., with a number of representatives still wishing to speak; I too wish to make a brief national statement. We have to come back this afternoon anyway for a further meeting, on the Angola monitoring mechanism. I understand that the Under-Secretary-General is travelling, and I hope that he will be represented at a senior level from within the Department of Peacekeeping Operations.

The meeting was suspended at 1.20 p.m. and resumed at 3.45 p.m.

The President: With the agreement of the Council, I extend an invitation under rule 39 of its provisional rules of procedure to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, and invite him to take a seat at the Council table.

I shall now call on those members of the Council that have indicated their wish to speak.

Miss Durrant (Jamaica): The comprehensive presentation made earlier in our meeting by Under-Secretary-General Guéhenno, as well as the answers he provided to questions raised by previous speakers, leave my delegation with little to add. I therefore wish to use this opportunity to pay tribute to the men and women of the United Nations Mission in Ethiopia and Eritrea (UNMEE) under the leadership of the Special Representative of the Secretary-General, Mr. Legwaila, for their signal accomplishments to date.

The decision to establish the Temporary Security Zone, which marks the formal separation of the forces of Eritrea and Ethiopia, recognizes the steps taken by both Governments towards the fulfilment of their obligations under the Algiers Agreement on Cessation of Hostilities. It also allows for the immediate restoration of civil administration and for the return of internally displaced persons in the areas of the Temporary Security Zone.

My delegation has noted other progress made since our last briefing, including the signing of the status-of-forces agreement, as well as those areas on which action is still outstanding, including on the restrictions on the movement of UNMEE as long as the issue of direct flights remains unresolved, and on the activation of the Boundary Commission. We have all recognized that these are crucial to the fulfilment of UNMEE's mandate, and we join those who have called for early resolution of these issues.

We have heard from Under-Secretary-General Guéhenno that some 300,000 internally displaced persons can be expected to return to the Temporary Security Zone prior to the rainy season, that is, within the next six to eight weeks. I repeat this in order to emphasize that this is a massive humanitarian undertaking, the success of which requires close collaboration between the humanitarian agencies, UNMEE and both Governments, the urgent completion of the surveys of the Temporary Security Zone to determine the extent of mine contamination and unexploded ordnance, the marking off of non-go areas and, most importantly, the sensitizing of the returning population, particularly children.

The need for the Boundary Commission to begin its work has been emphasized by previous speakers. I would only wish to draw attention to the fact that both Governments agreed in advance to accept the verdict of the Commission. It is therefore imperative that the problems related to the establishment of the Commission be addressed without delay.

In conclusion, my delegation hopes that the establishment of the Temporary Security Zone will create the desired climate of calm and confidence, and conditions conducive to the comprehensive and lasting settlement of the conflict, which we all hope to achieve.

Mr. Bhatia (Singapore): We would like to echo the eloquent opening remarks of the Permanent

Representative of Jamaica. She said that Under-Secretary-General Guéhenno's briefing and, indeed, the comments made earlier by members, have dealt with this issue fairly comprehensively. Hence, we shall restrict our remarks to just two points.

First, in our view, the establishment of the Temporary Security Zone marking the formal separation of the two parties is indeed a welcome development. Secondly, however, an outstanding area of concern, as Mr. Guéhenno mentioned this morning, remains the restriction of movement imposed on the personnel of the United Nations Mission in Ethiopia and Eritrea (UNMEE) in certain areas. Incidents involving UNMEE patrols such as the one that occurred on 7 April are cause for concern. In this regard, we would like to know from Mr. Annabi whether the pattern of restrictions and incidents has eased up in recent weeks, or whether it has intensified. Has any plan of action been adopted by UNMEE to deal with this issue?

Mr. Amin (Bangladesh): We also want to join all others in commending the Special Representative of the Secretary-General, Mr. Legwaila, and the men and women of the United Nations Mission in Ethiopia and Eritrea (UNMEE) for the sustained progress they have made in their important work. We also express our appreciation for the briefing given this morning by Under-Secretary-General Guéhenno.

We also add our voice to those of others who have expressed concern on the lack of progress in the establishment of the Temporary Security Zone. But we note that it has now been achieved, and we commend the Governments of Eritrea and Ethiopia on that.

The second point on which we also concur with the concerns expressed by others is the direct route of flight between the two capitals, whose establishment has not yet been possible. The discussion on this issue has been under way for almost three months. We are concerned that this has not been resolved. We think that this a matter in which you could play a constructive role.

We call on the parties to resolve the outstanding issues related to the Boundary Commission, and hope that the Commission can start working soon.

Mr. Chen Xu (China) (*spoke in Chinese*): Like other delegations, we wish to thank Under-Secretary-General Guéhenno for his briefing this morning.

The Chinese delegation is very pleased with the positive developments, in particular the establishment of the Temporary Security Zone (TSZ).

As Mr. Legwaila has said, the establishment of the TSZ marks the formal separation of the forces of the two parties. Indeed, this is a prerequisite for the complete implementation of the peace accord. We appreciate the positive efforts and sincerity of both parties, as well as the efforts made by the United Nations Mission in Ethiopia and Eritrea.

At the same time, the establishment of the TSZ does not mean that the problem has been resolved. We hope that the two parties will seize and cherish this opportunity and that they will promote mutual confidence by taking real action to properly settle such issues as the demarcation of borders, the establishment of direct flights and the repatriation of refugees in order to lay a solid foundation for a final settlement of their dispute.

Mr. Granovsky (Russian Federation) (*spoke in Russian*): Russia greatly values Eritrea and Ethiopia's demonstration — in deeds, not words — of their dedication to their commitments to peace. Evidence of this is their steady compliance with the ceasefire regime and their consistent implementation of the Algiers Agreement.

We believe that the establishment of a Temporary Security Zone (TSZ) is a qualitatively new stage in the consolidation of the process of settling the conflict. We pay due tribute to the political wisdom of the parties, the efforts of the Secretary-General and the leadership and command of the United Nations Mission in Ethiopia and Eritrea (UNMEE), which have led to this important result.

The forward-moving process of stabilization in the conflict zone reaffirms our consistent position regarding the need for an early lifting of sanctions against both States.

We fully support the measures taken by the leadership of UNMEE within the framework of its mandate to ensure an orderly return of refugees to the borders of the Temporary Security Zone. This will determine to a great extent the irreversibility of the peace process. We emphasize the importance of having the parties continue unswervingly to comply with their commitments under international humanitarian law.

We consider it important for the international community to continue to render adequate support to the work of the Commission on the delimitation and demarcation of the Eritrea-Ethiopia border. This activity is of the greatest importance in order for the peoples of these two countries to return definitively to peaceful and constructive coexistence.

Mr. Franco (Colombia) (*spoke in Spanish*): We are very grateful for the information given to us today by Mr. Guéhenno about the achievements of recent days. Those achievements demonstrate the parties' genuine commitment to the implementation of the peace Agreement signed in December last year. We invite the parties to continue to display that positive and constructive attitude, in order to reach an understanding on pending issues. In that regard, we would like to highlight the activities of the Border Commission, the establishment of an air corridor and the signing by one of the parties of the status-of-forces agreement.

We had prepared some questions, but they were answered by Mr. Guéhenno this morning. However, we wanted to take the floor in order to reiterate what has been emphasized by other speakers: it is important that the return of internally displaced persons and refugees should be carried out in an orderly manner, so as to prevent the clear risk of this becoming a humanitarian crisis. That is why we would like to ask the Secretariat to keep us informed about this matter.

Mr. Konfourou (Mali) (*spoke in French*): My delegation welcomes the good news we heard this morning from the Under-Secretary-General for Peacekeeping Affairs concerning the difficult conflicts that plague the Horn of Africa.

We support what the French delegation said this morning about the linkage between the termination of the mission in Ethiopia and Eritrea (UNMEE) and the Boundary Commission. In resolution 1344 (2001), we agreed to address a letter to the Secretary-General concerning cost estimates for UNMEE's funding needs for the Boundary Commission. We would like to find out today what progress has been made in this field, and if we could perhaps have those cost estimates by the end of the month. My delegation calls on all of the parties to the conflict fully to cooperate to resolve the issues that are still pending.

The President: I should now like to make a statement in my capacity as the Permanent Representative of the United Kingdom, and in doing so — and I hope the Secretariat will note this — bring out what the United Kingdom sees as quite a strong collective consensus on what has been said in this debate.

We very much welcome the formal establishment of the Temporary Security Zone (TSZ). This is a crucial step in the continued implementation of the peace Agreement between Ethiopia and Eritrea and signifies a heightened sense of trust between the two sides. We, like others, praise the efforts of Special Representative Legwaila and the whole of the United Nations Mission in Ethiopia and Eritrea (UNMEE) in this regard and agree that, as Under-Secretary-General Guéhenno said this morning, remarkable progress has been made so far.

We welcome the signing of the protocol between UNMEE and Eritrea and the signing of a status-of-forces agreement with Ethiopia, and we call on both sides to fulfil their commitment to the principle of freedom of movement for UNMEE. Like the rest of the Council, we want to see progress soon on the Boundary Commission, on flights, on demining and on the return of refugees and internally displaced persons. We hope that Member States will also take note of the funding requirements for these operations that have been noted in the debate so far.

We encourage the Governments of Ethiopia and Eritrea to move towards normalization and lasting reconciliation, and we reiterate our support for the Algiers peace Agreement, as well as the Cessation of Hostilities Agreement, signed in Algiers in June last year.

We welcome the fact that the parties have respected the ceasefire agreement for the past 10 months. Still, there is a considerable amount to do, and we expect the parties to live up to their responsibilities in this regard.

I now resume my functions as President of the Council.

I give the floor to Assistant Secretary-General Annabi to take up any remaining points.

Mr. Annabi: Mr. Guéhenno regrets that he cannot be here this afternoon, as he has just left for the airport. He will be visiting the Democratic Republic of the Congo and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

I think that there were essentially two questions. The first relates to freedom of movement. As Mr. Guéhenno indicated this morning, restrictions on the freedom of movement of the personnel of the United Nations Mission in Ethiopia and Eritrea (UNMEE) continue to occur from time to time. Those restrictions are, of course, taken up on a case-by-case basis with the military and, if necessary, with the political authorities on both sides. Some of those restrictions are due to an incorrect understanding of the orders received by local commanders on the ground, or misunderstandings about these instructions. Some of them are deliberate. There are occasions when one or the other of the parties may not wish us to see its positions, but these situations are, as I said, being addressed on a case-by-case basis.

We remind the parties on every occasion of their commitment under the Agreement on Cessation of Hostilities, concluded on 18 June last, under which they both agreed to provide unrestricted freedom of movement to UNMEE, as required for its operations.

There may also be some misunderstanding as to the exact operational requirements of UNMEE. In our minds, it is clear that in order to patrol the Temporary Security Zone and to be able to reassure both sides that nothing unusual is happening in the area, we need to be able to see beyond the limits of the Temporary Security Zone itself. For operational purposes, the Force Commander has indicated to the parties that we would need to go some 15 kilometres beyond the limits of the Zone to establish contacts with the authorities on both sides and discuss whatever practical problems may have arisen in the area of operation. This is not always well understood by the local commanders, and we are continuing to discuss this with the parties. We hope, as I said, that they will work with us in accordance with their own undertakings and the Agreement of 18 June last.

As regards the second question, related to the cost estimates for logistical support for the work of the Boundary Commission, I think that Mr. Guéhenno indicated this morning that a team from the Cartographic Section, assisted by logistical experts who are on the ground right now, is looking at the requirements. That team will return by the end of the month with, we hope, an evaluation of the logistical support that will be required. Council members will, of course, be informed in due course of those estimates.

I think those were the only two questions.

The President: I thank the Assistant Secretary-General for the clarifications he has provided.

I think that the Secretariat has taken away a sense of the Council's views on this subject, but I would also like the Assistant Secretary-General to convey the warm appreciation of the Council for the work that the Special Representative and the whole of the United Nations Mission in Ethiopia and Eritrea (UNMEE) are doing on the ground. We very much applaud the progress that they have made.

The Security Council has concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 4.10 p.m.

United Nations S/PV.4311

Security Council

Fifty-sixth year

Provisional

4311th meeting

Thursday, 19 April 2001, 4.10 p.m.

New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Chen Xu
	Colombia	Mr. Franco
	France	Mr. Florent
	Ireland	Mr. Ryan
	Jamaica	Miss Durrant
	Mali	Mr. Konfourou
	Mauritius	Mr. Latona
	Norway	Mr. Kolby
	Russian Federation	Mr. Granovsky
	Singapore	Mr. Bhatia
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kulyk
	United States of America	Mr. Hume

Agenda

The situation in Angola

Note by the President of the Security Council (S/2001/363).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-33973 (E)

The meeting was called to order at 4.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Angola

Note by the President of the Security Council (S/2001/363)

The President: I should like to inform the Council that I have received a letter from the representative of Angola, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mangueira (Angola), took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2001/363, which contains a note dated 16 April 2001 by the President of the Security Council, circulating the letter dated 16 April 2001 from the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, enclosing the addendum to the final report of the Monitoring Mechanism on sanctions against UNITA, which has been submitted pursuant to paragraph 6 of resolution 1336 (2001).

I call on the Ambassador of Ireland, Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, to update the Council on any remaining adjustments to the draft resolution before us.

Mr. Ryan (Ireland): I am pleased to inform members that, following your suggestion this morning, Sir, and as a result of further consultations, we appear to have resolved some expressed concerns surrounding the draft resolution.

The draft reflecting the agreement is before members for their consideration. I might perhaps read out the revised text of the new draft fourth preambular paragraph, as agreed:

> "*Recognizing* the importance attached, inter alia, to the monitoring, for as long as is necessary, of the implementation of the provisions contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);"

I hope that members will now be able to agree on this revised text.

The President: May I take it that the draft resolution in the document before the Council (S/2001/379), as orally revised in the proposal made by the Ambassador of Ireland, is accepted by members of the Council as a presidential text?

It is so decided.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2001/379) before it, as orally revised in its provisional form. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bangladesh, China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution, as orally revised in its provisional form, has been adopted unanimously as resolution 1348 (2001).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remained seized of the matter.

The meeting rose at 4.15 p.m.

United Nations S/PV.4312

Security Council

Fifty-sixth year

Provisional

4312th meeting

Monday, 23 April 2001, 10.15 a.m.

New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Neewoor
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Kuchinsky
	United States	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2001/331).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

01-34294 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2001/331)

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Australia, Bahrain, Canada, Egypt, India, Iraq, Japan, Jordan, the Libyan Arab Jamahiriya, Malaysia, Mexico, New Zealand, Pakistan, the Republic of Korea, Sierra Leone, South Africa, Sweden, the Syrian Arab Republic, the United Arab Emirates and Yemen, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Cappagli (Argentina), Ms. Wensley (Australia), Mr. Buallay (Bahrain), Mr. Heinbecker (Canada), Mr. Aboul Gheit (Egypt), Mr. Sharma (India), Mr. Al-Douri (Iraq), Mr. Satoh (Japan), Prince Zeid Ra'ad Zeid Al-Hussein (Jordan), Mr. Dorda (Libyan Arab Jamahiriya), Mr. Hasmy (Malaysia), Mr. Navarrete (Mexico), Mr. MacKay (New Zealand), Mr. Ahmad (Pakistan), Mr. Lee Ho-jin (Republic of Korea), Mr. Kamara (Sierra Leone), Mr. Kumalo (South Africa), Mr. Schori (Sweden), Mr. Wehbe (Syrian Arab Republic), Mr. Samhan (United Arab Emirates) and Mr. Al-Ashtal (Yemen) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 19 April 2001 from the Permanent Observer of Palestine to the United Nations, which has been issued as document S/2001/388, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the forthcoming debate of the Security Council regarding the protection of civilians in armed conflict, which is to be held on Monday, 23 April 2001."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

I invite the Permanent Observer of Palestine to take the seat reserved for him at the side of the Council Chamber.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation to the Permanent Observer of Switzerland to the United Nations to participate in the discussion, without the right to vote.

There being no objection, it is so decided.

I invite the Permanent Observer of Switzerland to the United Nations to take the seat reserved for him at the side of the Council Chamber.

I should like to inform the Council that I have received a letter dated 20 April 2001 from the Permanent Representative of Malaysia to the United Nations, which reads as follows:

> "I have the honour in my capacity as Chairman of the Islamic Group at the United Nations to request that the Security Council extend an invitation to participate in the discussion without the right to vote, under rule 39 of the provisional rules of procedure of the Council, to His Excellency Mr. Mokhtar Lamani, Permanent Observer for the Organization of the Islamic Conference to the United Nations, during the Council's discussion on the agenda item entitled 'Protection of civilians in armed conflict'".

That letter has been issued as a document of the Security Council under the symbol S/2001/389. If I hear no objection, I shall take it that the Security

Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Lamani.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mrs. Mary Robinson, High Commissioner for Human Rights.

There being no objection, it is so decided.

I invite Mrs. Robinson to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, document S/2001/331.

I should like to make some introductory remarks. It is important that something solid and valuable emerge from today's debate. In a moment, the Deputy Secretary-General will introduce the Secretary-General's report on behalf of the United Nations system as a whole. This will be followed by a short statement from the High Commissioner for Human Rights on the specific human rights issues related to the protection of civilians in armed conflict. Other Secretariat members will be present during the debate. I intend, as appropriate, to invite them to answer any questions which directly affect their areas.

I hope that the debate will see short, focused statements from members of the Council and non-members alike, concentrating on what the Security Council can do in practical terms to further the protection of civilians on the ground. The emphasis should be on practical steps that will make a difference. Broad statements of national positions were made in the stages leading up to the adoption of resolutions 1265 (1999) and 1296 (2000), and detailed accounts of conflict situations can be contributed when we address those items specifically. We need to respect the division of responsibilities in the United Nations system, in particular between the Security Council and other organs of the United Nations. The topic of coordination will therefore be relevant.

Some key points for this debate might include the following. Bearing in mind the Secretary-General's comments in the report, what more can be done to implement the provisions of recommendations that he made in September 1999 (S/1999/957)? What are the most operational recommendations in his present report? How best can we implement Council resolution 1296 (2000) of 19 April 2000? What are members' reactions to the recommendations in the Secretary-General's report? What practical conclusions can usefully be teased out from them? What sorts of provisions should be included in peacekeeping mandates to improve the protection of civilians? What new capabilities are required in the United Nations system to ensure that they are implemented? What pressure can be brought to bear on the parties to conflicts, including non-State actors, to live up to their moral and legal responsibilities to afford protection to civilians?

With that sort of focus on implementation, I am sure that we can begin to make a difference.

I now give the floor to the Deputy Secretary-General to introduce the Secretary-General's report.

The Deputy Secretary-General: The Council is meeting today to continue the debate on a subject of vital importance: the protection of civilians in armed conflict. Civilians account for an estimated 75 per cent of war victims. The ongoing human suffering inflicted by conflicts, from Afghanistan to Angola and from the Middle East to the Great Lakes, is a daily reminder of the need for a new and concerted response at the highest political levels from Governments, which bear the primary responsibility for protecting civilians, from the Security Council, and from all others who can help cover the considerable distance still to be travelled if the international community is to find truly effective solutions in this area of acute human need.

I would like to stress at the outset how glad I am that the Council has invited the United Nations High Commissioner for Human Rights to address this meeting. Looking at the protection of civilians from the perspective of human rights can help identify very useful steps that the Security Council may wish to consider. Mrs. Robinson will speak to the Council in greater detail along those lines. My own remarks will

concentrate on a few key points arising from the Secretary-General's report.

Wars today are often fought not between sovereign countries or with regular armies, but between different religious, ethnic and political groups and with irregular armed groups. In those conditions, civil-defence forces, vigilante groups and militias often prey on civilians for their own private and destabilizing purposes, and in some cases specifically target them. Given such circumstances, the protection of civilians must become a regular and central aspect of United Nations peace operations and should be reflected in the mandates and the design of such operations.

The second report of the Secretary-General on the protection of civilians in armed conflict is now before the Council for consideration, in document S/2001/331. As members know, the first report on protection (S/1999/957) was issued in September 1999 and contained 40 recommendations for action. The new report complements the first report's findings and takes a closer look at current trends in a few areas that are of concern to the international community or that have shown some encouraging developments in recent years. Among those areas I wish to mention three.

First is the criminal prosecution of violations of international criminal law. We have recently witnessed remarkable progress, both domestically and internationally, in efforts to end the culture of impunity for those who have committed serious assaults on the civilian population during an armed conflict. The Secretary-General's new report urges the speedy ratification of the Statute of the International Criminal Court, and calls for reliable funding of the international criminal tribunals, and in particular the special court for Sierra Leone. The report also supports the use of truth and reconciliation commissions, calls on Member States to enforce international law, and opposes the use of amnesties for genocide, crimes against humanity and war crimes.

Second is the question of access to vulnerable populations. Access to affected civilian populations is a prerequisite for any meaningful action and impact on the ground. The Security Council has a pivotal role in that respect, particularly in engaging with all parties to a conflict, including armed groups not controlled by a recognized State. Operations mandated by the Council, such as those in Angola, Bosnia and Sierra Leone, have been handicapped by their inability to establish effective contact with such groups. Renewed efforts are needed in that area, given the nature of today's conflicts.

A third priority must be the separation of civilians and armed elements in refugee camps or other settlements where displaced persons gather. Recent fighting in Guinea, Sierra Leone and Liberia, for instance, has displaced hundreds of thousands of civilians. There, as elsewhere, mixed communities often find themselves under the control of unaccountable armed elements who may further terrorize already vulnerable civilians, divert needed aid to fighters, and establish bases for cross-border attacks, all of which threaten even greater destabilization and even regional wars. The Secretary-General's report underlines the urgent need for the international community to assist already-burdened host States in separating armed elements from displaced civilians at the earliest possible time in order to preserve the civilian character of asylum, to prevent further deterioration of security conditions and to deny such groups a haven for their activities.

Last September, the States Members of the Organization pledged in the Millennium Declaration to expand and strengthen the protection of civilians in complex emergencies. However, many of the main recommendations of the Secretary-General's first report have gone unimplemented. The Secretary-General hopes that this meeting will help move from words to deeds and from intention to implementation. The Secretariat stands ready to report on progress made in carrying out the 54 recommendations made in both of the Secretary-General's reports, and to devise clear steps to act upon those recommendations.

I wish the Council all success in these very important deliberations.

The President: I now give the floor to Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights.

Mrs. Robinson: In recent years, the Security Council has broken new ground in its efforts to implement the Charter's blueprint for the maintenance of international peace and security. It would be fair to say that the security concepts and the strategies and methods of the Council have taken on a distinctly more people-oriented focus grounded in the norms of international law and of human rights and humanitarian law. I applaud and encourage that development.

The Secretary-General, in a series of reports, has led the quest for the plight of the victims of conflicts and of gross violations of human rights to feature more prominently in the deliberations of United Nations organs, including the Security Council. The international community owes a debt of gratitude to him for the leadership he has provided. In the current report, he invites this Council to find the path-breaking steps to enable it to implement recommendations for the protection of civilians in armed conflict.

This is the second time that I have had the honour of appearing before this Council, and I should like to thank the members for giving me these opportunities to place before them normative considerations and sources of information in the human rights area that I believe are important for the protection of civilians in armed conflict.

Throughout the world, civilians caught in armed conflict look to the United Nations to protect their rights as well as their needs. They expect us not only to provide them with emergency food and shelter, but also to protect them from further attacks on their lives, dignity and basic humanity. They expect us to assist them during the harsh days when they are most vulnerable and insecure. They expect us to help them in returning to their homes and families, in bringing to justice those who are responsible for international crimes, in knowing the fate of their loved ones and in rebuilding their societies so that they can have the chance to live in peace.

In the recommendations in his earlier report, the Secretary-General invited the Council to consider factors such as the scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations. He also suggested that the Council consider the question of the limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment.

As the Secretary-General indicates in the current report, these are matters of ongoing discussion among Member States. I believe that the following normative and factual sources would be relevant to the deliberations and approaches of the Council in the future.

International human rights law insists on standards of protection that are applicable in all times, places and circumstances. There is a rich jurisprudence and practice in the human rights area that I believe should be an essential point of departure for the Council in judging the acceptability or unacceptability of behaviour of combatants, States and non-State actors during conflicts, internal or international.

Tackling impunity at all stages of conflict is an essential component in ensuring that fundamental human rights standards are maintained. I wholeheartedly support the Secretary-General's recommendations on this topic. Ending impunity for genocide, war crimes and crimes against humanity, whether committed by State agents or non-State actors, is obviously an important objective for the international community. The report calls on the General Assembly and the Security Council to provide support for tribunals and other arrangements designed to bring individual perpetrators to justice. On several occasions, particularly with regard to the conflicts in the former Yugoslavia and Rwanda, the Security Council has demonstrated that it will not tolerate impunity for acts that offend the conscience of humankind. Those who commit or contemplate committing gross human rights violations, wherever they are, should be left in no doubt that they will be held accountable for their actions.

The Office of the United Nations High Commissioner for Human Rights has deployed a great deal of effort to help combat impunity in a number of situations, including in Sierra Leone and East Timor. The experience that we are developing in the human rights area, including advising on the establishment of international courts and on truth and reconciliation commissions, represents an important pool of practice for this Council.

On the subject of human rights fact-finding during situations of armed conflict, establishing the facts can play a crucial part in the protection of civilians in armed conflict. In a number of recent instances, including in relation to Afghanistan, Kosovo, East Timor and Sierra Leone, human rights fact-finding missions have taken place. Reports of such missions should be available to the Council.

Allow me in this regard to cite a case on which I reported to the Commission on Human Rights only last week. At the request of the Commission on Human Rights, my Office, in cooperation with the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for

Children and Armed Conflict, undertook an assessment of the situation on the ground relating to the issue of the abduction of children in northern Uganda. In the preliminary report that I submitted to the Commission on Human Rights last Thursday, I reported that there were about 26,365 cases of abduction of civilians carried out by the Lord's Resistance Army (LRA) in northern Uganda, a third of whom were children under the age of 18, and a fifth of whom were female. I informed the Commission of the system of terror perpetrated by the LRA and offered a number of recommendations based on the work of the mission. The report of the mission is being drafted and will be published as a document of the Commission on Human Rights. I am confident that members of the Council will be interested in this source of information and assessment.

As concerns the Commission on Human Rights' consideration of gross violations of human rights during armed conflicts, in recent years, the Commission has considered and adopted resolutions intended to help stop and prevent gross violations of human rights during conflict situations. The efforts of the Commission are complementary to those of the Security Council and usually entail recourse to one or more of the following methods: the gathering of information, the dispatch of fact-finding missions, public debates, the adoption of resolutions expressing concern and offering recommendations, extension of good offices and offers of technical cooperation and assistance. My Office would be happy to brief members of the Council on what the Commission on Human Rights is doing in relation to such situations.

As far as human rights mechanisms are concerned, I welcome the fact that the Security Council is increasingly looking to and drawing on the expertise of the special mechanisms of the Commission on Human Rights. At the present time, the Commission has 14 country rapporteurs and 21 thematic rapporteurs. The efforts of the Special Representative of the Secretary-General for Internally Displaced Persons are of direct relevance to this debate in the Council on the protection of civilians.

One key challenge during conflict is gaining access to the vulnerable populations. We often think of this access in terms of the delivery of assistance for humanitarian needs. But to many victims of armed conflict, meaningful access also means breaking the cycle of secrecy and suffering; it means that the plight of victims is brought into light. The United Nations human rights mechanisms provide the means for doing just that — yet these mechanisms are often denied access to situations of conflict. This means that victims are often denied the right to be heard. I consider the reports of country rapporteurs and thematic rapporteurs to be an indispensable information base for the efforts of this Council and of other United Nations bodies to strengthen conflict prevention in the United Nations. I believe that it is of the utmost importance that this Council be provided regularly with briefings on the information available in the reports of these mechanisms of the Commission. I also draw the Council's attention to the role of the human rights treaty bodies and their increasing capacity to take urgent action.

The Office of the United Nations High Commissioner for Human Rights has field offices in a number of situations of recent or ongoing conflicts, including in Burundi, Colombia and Cambodia. Field offices such as these are blazing a new path in the protection of civilians in armed conflict and in the defence of human rights and humanitarian law generally. We have given special attention to the gender perspective and to protecting women against trafficking and have been attentive to the HIV/AIDS problem in such situations.

To give a specific example of the work these field offices do, in the Democratic Republic of the Congo, our office works with the United Nations Organization Mission in the Democratic Republic of the Congo, gathers information about allegations of violations of human rights, reports these to me and through me to our colleagues in other parts of the United Nations, and generally offers its advice and support to the Government for the pursuit of national plans and the establishment or strengthening of national institutions for the promotion and the protection of human rights.

In addition to the field offices that we ourselves have established, we have also helped establish and steer human rights components in a growing number of United Nations peace operations. We recognize the significance for our work of the human rights component of these mandates. These operations should receive the political, financial and administrative support they need and deserve.

Finally, I would like to turn to the issue of human rights in conflict prevention, peacemaking,

peacekeeping and peace-building. I would point out that, as part of the reforms instituted by the Secretary-General, human rights are becoming more and more integrated into efforts for conflict prevention, peacemaking, peacekeeping and peace-building. This developing experience will undoubtedly be of interest to the Council, and it would be important that it be briefed periodically on significant developments. My Office will be more than happy to do this.

I would like to finish by commenting on several other areas of particular focus in the Secretary-General's report.

The Secretary-General appropriately emphasizes combating hate speech as a measure to enhance protection. The media can play a formidable role in promoting diversity and respect for others. It is unfortunate that the same technology is sometimes used to stir up hatred and violence. But let us consider why this is the case. The protection of civilians indeed requires us to address the root causes of conflict, which are frequently not only old and deep, but often include ethnic and racial elements. Societies in conflict often devote their energy to dehumanizing and excluding those that are perceived to be different.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which will take place from 31 August to 7 September 2001, in Durban, South Africa, will provide the international community with an invaluable opportunity to set up a strategy to combat the ugliness of racism in all its forms. Part of protection entails adopting a strategy to ensure that racism is tackled before it forms an organizing principle in armed conflict.

The emphasis placed in the report on the role of human rights defenders is welcome. Human rights defenders often represent a first point of contact for civilians in armed conflict. Their voices enable us to understand the plight of those we are seeking to protect. The Special Representative of the Secretary-General on human rights defenders presented her first report to the Commission on Human Rights last week, and outlined her proposed plan of work.

I see great merit in proposals for a focal point for civilians in peacekeeping missions and for increased emphasis on protection in peacekeeping mandates. The need for adequate regional responses to conflict situations is something I wholeheartedly endorse. I have appointed advisers in each of the regions to promote a strong regional approach to the protection of human rights.

My Office is acutely aware of the fact that, as the report puts it, "corporate royalties have continued to fuel wars" (S/2001/331, para. 61). The United Nations has a key role to play in promoting responsible behaviour by business in crisis areas. My Office is committed to supporting efforts by corporations to analyse the potential impacts of their presence in zones of conflict and to ensure that systems are in place to avoid unintended consequences of their operations that may result in human rights abuses.

In making this presentation I have heeded the advice given to me to provide to the Council practical insights from our normative and information sources that might be helpful to the Council in its quest for the protection of civilians in armed conflicts. From the examples I have placed before the Council it will be seen that the efforts of the Council for the protection of civilians in armed conflict are supported by the endeavours of different parts of the United Nations system.

I thank the Council once again for giving me this opportunity to address it on this important topic.

The President: I thank the High Commissioner for her important and very relevant statement to us.

I am now going to give the floor to members of the Council who wish to speak. Could I remind members and non-members of the Council that I have asked for interventions to aim at five minutes as a limit on speaking so that everybody can have the time to speak during the course of the day. Any Member State can make arrangements with the Secretariat for paper copies of their remarks to be recorded in full if in speaking they wish to curtail them or draw attention orally to specific parts of them, in the interests of time. They can make that arrangement with the Secretariat to get their written speech into the record if they wish to shorten it in their oral remarks.

Could I also say to members that if questions are raised during the course of the debate, either to the Secretariat, the High Commissioner or each other, I will make arrangements for those questions to be taken up within a fairly short period of their being raised, so that we can get some interaction on points that are raised during the debate.

Mr. Chowdhury (Bangladesh): First of all, I thank you, Mr. President, for convening this important meeting under this format, in which non-members of the Council can also participate and contribute their ideas to the Council's consideration of this important issue.

We thank Deputy Secretary-General Louise Fréchette for her very important statement, and particularly for her focus on the question of implementing the various recommendations contained in both the first and the current report of the Secretary-General. We also thank the High Commissioner for Human Rights, Mary Robinson, for her statement and for her presence here, and in particular for her bringing in the human rights perspective, which is the bedrock of protection.

We would like to begin by commenting on what we consider to be the two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and a culture of peace. Prevention is at the heart of protection, and this has been made amply clear in paragraph 8 of the present report and in paragraph 29 of the first report of the Secretary-General. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate values of peace, tolerance and harmony — conditions that contribute to longer-term prevention. Two years ago, the General Assembly adopted a Programme of Action on a Culture of Peace, which should be reflected in the activities of the Organization at the national, regional and global levels. We look forward to the outcome of the ongoing work on prevention taking place in various forums, and in particular to the Secretary-General's report on prevention that is due next month.

The second theme is that of coordination with other actors. The protection of civilians being a complex and multi-layered process involving multiple entities, effective cooperation and coordination with regional and intergovernmental organizations is very important. We support the observation contained in paragraph 68 of the first report (S/1999/957) of the Secretary-General that the United Nations is the only international Organization with the reach and authority to end the plight of civilians in conflicts. In paragraph 69 of the first report, the Secretary-General acknowledges the leading role of the Council in devising an overall approach to crisis resolution and in encouraging close cooperation and coordination between all components of the United Nations system, regional forces, donors and non-State actors.

It is important to examine in this context the modalities that the Council has at its disposal to carry out that role. Recommendation 11 of the present report mentions the monthly meetings between the Presidents of the General Assembly and of the Security Council. We believe that that consultation can be more effectively utilized as an important input for the Council's consideration of the items on its monthly agendas.

I should now like to address some specific issues covered in these two reports of the Secretary-General.

The first relates to the issue of resources matching the mandate. As against the perception and expectation of protection created by the very presence of a peacekeeping operation, the mandate to protect civilians should be explicit and fully matched by the required resources. This observation has been made in paragraphs 62 and 63 of the report of the Brahimi Panel, with which my delegation fully agrees. Therefore an initial assessment of the protection needs of the civilian population in the mission area and in resource planning will be crucial.

Strengthening the system-wide early warning capacities of the United Nations, in regard not only to situations that could lead to full-scale conflicts, but also to impending humanitarian emergencies caused or exacerbated by the dynamics of the conflict, will go a long way towards ensuring a better understanding of protection needs. It would be useful to strengthen, and coordinate with, capacities that exist regionally.

Secondly, I would like to touch on the issue of enhancing legal protection and enforcement and prosecution. Member States should be urged to ratify the major instruments of international humanitarian law and human rights law in order to enhance legal protection and facilitate prosecution of violations. Bangladesh fully supports developments in this direction, including the setting up of the two International Criminal Tribunals, for the former Yugoslavia and for Rwanda, as well as the adoption of the Rome Statute.

We also believe that national judiciary systems must be strengthened, as we are talking about in the case of setting up a special court in Sierra Leone. We

believe that a lack of progress in that direction would send the wrong signal.

The third point relates to the technical review of the impact of sanctions. As stated in the first report of the Secretary-General, a permanent technical review mechanism for the impact of sanctions on civilians is desirable. We would also underscore the importance of a pre-assessment of the humanitarian impact of sanctions.

The fourth point is humanitarian access. Extending protection to, securing a humanitarian space for, and providing unimpeded, timely, safe and sustained access to populations in need is of the utmost importance. In intra-State conflicts, due to the multiplicity of actors both on the warring sides and on the humanitarian side, an increasingly coordinated approach needs to be taken in obtaining and sustaining meaningful access. Access negotiations therefore should be conducted on the basis of common policies and criteria for engagement among aid workers.

We fully support the idea of the Inter-Agency Standing Committee's developing a manual of broad guidelines on strategies for access negotiations which may be suitably adjusted to local situations. The Office for the Coordination of Humanitarian Affairs (OCHA) should also build expertise on access negotiations, drawing upon its experience.

The fifth point concerns "hate" media campaigns. We agreed that issues of national sovereignty and freedom of the press constrain efforts to contain hate media campaigns in conflict situations. In reality, the practical modalities of actually shutting down hate media, though entirely desirable, are not quite apparent. That may prevent its inclusion in the mandate of peacekeeping operations. Short of that, the Council should give serious consideration to the regular integration in mission mandates of media-monitoring mechanisms for effectively monitoring, reporting and documenting the activities of hate media.

The sixth point relates to the separation of armed elements. I will not speak at length on this area, because the Deputy Secretary-General covered it in her statement.

Finally, I should like to make some comments about the general thrust of the present report, that is, reviewing the implementation of the recommendations made so far.

In operative paragraph 1 of resolution 1296 (2000), the Council decided to proceed on a case-by-case basis, taking into account the particular circumstances, and reaffirmed its intention to consider the relevant recommendations of the first report of the Secretary-General. Therefore, in reviewing the implementation aspect, this context should be kept in mind.

We would like to conclude by suggesting the following areas for consideration by the Council if an action is intended on the present report, which we would recommend.

First, in a situation of potential or actual conflict, the Council should encourage mediation through the appointment of special commissions or high-level personalities to look into the source of the dispute, build confidence and recommend practical solutions.

Secondly, in a situation of widespread violations of international law resistant to the usual diplomatic initiatives, the Council should encourage the building of an international coalition in favour of peace, with a view to breaking the cycle of violence and, as appropriate, through preventive deployment.

The Council should invite the General Assembly to pursue efforts to extend the scope of the legal protection provided in the 1994 Convention on the Safety of United Nations and Associated Personnel. Here we would like to suggest that there should be increasing adherence to this Convention by the Member States. Perhaps we should begin with all Security Council members adhering to this Convention.

We should also encourage closer coordination between the Department of Public Information and the Department of Peacekeeping Operations when setting up missions or when revising mandates, with the aim of disseminating relevant information targeted at the armed groups and the civilian population in the mission area, with a special focus on peace education and on the special protection needs of women, children and other vulnerable groups.

To broaden its information base and understanding of the situation, the Council should interact more frequently with non-State actors, including civil society organizations involved in the mission area.

We believe that, on a number of issues covered in both reports, the Council needs to undertake further

discussions and analysis in the context of the recommendations, to see if, in the missions so far mandated, more could be done to implement them. We recommend that the Council presidency organize consultations on these aspects to make progress in moving from, as the Deputy Secretary-General said, intention to implementation.

Mr. Kuchinsky (Ukraine): Let me first of all thank you, Mr. President, for the effective organization of today's open meeting and for your consistent efforts to focus the discussions on practical questions related to the issue of the protection of civilians.

I should like also to thank the Deputy Secretary-General for introducing the report and for her useful contribution to this debate. I am particularly grateful to Mrs. Mary Robinson for her statement. We are quite impressed by the work accomplished by the United Nations High Commissioner for Human Rights, and we find it important that the specific problems of civilians in armed conflict are being addressed through the coordination of efforts with other partners within and outside the United Nations system.

The Secretary-General's report can, in fact, be a useful source of reference, not only for the Security Council but for other United Nations bodies in their consideration of this issue within their respective competencies and areas of responsibility. This should be carefully taken into account by the Council when considering follow-up steps and future actions on this matter. It is obvious that the mandate of the Council does not allow it to embrace all aspects of the activities related to the protection of distressed populations in times of war.

That is why a regular exchange of views with other organs of the United Nations system will be crucial to the future success of international efforts in this field. I believe that we can start this process later this week by discussing the relevant issues within the context of our debate with the Economic and Social Council Bureau on the coordination of conflict management. The Economic and Social Council, in fact, may provide us with a fresh perspective on how best the provisions of resolution 1296 (2000) can be implemented and where these two Councils can best assist each other in implementing the relevant recommendations of the Secretary-General. In one example — the recommendation regarding fact-finding missions to conflict areas with a focus on humanitarian assistance — there is ample room for the Economic and Social Council not only to participate in such missions, but also to lead them. I am convinced that similar work could be undertaken with other United Nations organs as well.

We strongly support the Secretary-General in his appeal to the Council to shift the focus of its work to practical measures aimed at the protection of civilians. In fact, the Council has done some important work over the past 12 months to carry out a number of practical steps leading to enhancing such protection, including in the area of peacekeeping operations and sanctions. This work is not over yet. The draft reports of the relevant working groups of the Council are still to be adopted and implemented. We hope that this will be done in the nearest future, which in turn will lead to the implementation of a number of the Secretary-General's recommendations and of the relevant provisions of resolution 1296 (2000).

However, the effective approach of the Council to the issue of the protection of civilians will be safeguarded only when those decisions are routinely applied by this body in the process of its consideration of specific conflict situations on its agenda, whether in Africa, in the Balkans or in the Middle East. At the same time, I wish specifically to point out several other areas outlined by the Secretary-General in his latest report, where, in the view of our delegation, more can be done, including by the Security Council, to enhance the protection of civilians.

One of these is the issue of the separation of civilians and armed elements in camps for refugees and internally displaced persons. We believe that it is important for the Security Council to develop clear criteria and procedures for the separation and identification of armed elements and, while contemplating specific peacekeeping or peace-building measures, to consider sending military monitors or units to major refugee camps and areas in order to assess the situation on the ground, to protect civilians in the camps and to prevent the deterioration of the security situation in the region. The effectiveness of such measures can be enhanced if they are undertaken in close cooperation with the host country and regional organizations concerned.

Another useful recommendation that deserves positive consideration by the Council, in our view, is on the need to establish, during the crafting of

peacekeeping mandates, arrangements to address impunity and for truth and reconciliation. We believe that these tasks can be practically incorporated into the mandates of United Nations peacekeeping operations.

Finally, the last question you addressed in your opening remarks, Sir, concerning

> "what pressure can be brought to bear on the parties to conflicts, including non-state actors, to live up to their moral and legal responsibilities to afford protection to civilians" (*supra*),

is probably the most difficult one. The Secretary-General very clearly describes the existing problems in this area and we cannot but agree with the recommendations he presents in this regard. However, when it comes to non-state actors and the problem of their engagement in a dialogue, one should recognize that there is probably no satisfactory solution at the moment, especially in situations where armed groups operate not as an organized military force with clear political objectives, but rather as gangs of criminals profiting from the lack of security and from general instability. They are most often responsible for targeting civilians and for committing the most unspeakable crimes against them. These groups represent a real challenge to Governments, humanitarian agencies and, of course, the Security Council. We welcome the intention of the Secretary-General to ask the Inter-Agency Standing Committee to develop a manual of best practices for engagement with armed groups. We hope that this work will lead to some effective approaches in this regard in the future.

In conclusion, I think that the proposal made by Mrs. Mary Robinson to provide the Council members with additional briefings — specifically on the results of human rights fact-finding missions, on human rights mechanisms reports and so on — deserves our full endorsement.

Mr. Mejdoub (Tunisia) (*spoke in French*): Three years ago, the Security Council decided to attach greater importance to the question of the protection of civilians in armed conflict with a view to the maintenance of international and regional peace and security. One presidential statement and two resolutions bear witness to that.

On the ground, unfortunately, the reality is entirely different. As the Secretary-General has noted, the fate of civilians at risk has not improved at all. Clearly, there is a need to pursue our efforts, in particular by adopting more specific measures effectively to improve the lot of civilians in armed conflict. Against this background, I wish to make a few comments on the basis of the very useful recommendations made by the Secretary-General in this and last year's reports.

I will first address the question of access to civilians. Humanitarian assistance to meet the most urgent and immediate basic needs of civilians has the greatest possible impact on them. Thus, the international community must maintain its efforts in the area of the access of civilians to such assistance and of access with adequate security for international humanitarian personnel.

Accordingly, we agree with the Secretary-General's assessment and directions concerning a greater role for humanitarian assistance agencies. We must define clear conditions for the engagement of these agencies, prepare a common strategy for negotiation between them and the parties involved, and adopt a coordinated approach in their policies and activities. We encourage the immediate implementation of these measures. We also welcome the Secretary-General's initiative, laid out in paragraph 26 of his current report, on developing a manual on criteria for the engagement and disengagement of aid agencies.

Given its responsibilities, the Security Council is also involved in the question of facilitating access to civilians. In last year's report, the Secretary-General offered some important recommendations in this respect. He provides new ones in the most recent report. We support them because they encourage the Council to undertake an active dialogue with the parties to a conflict and because they call for fact-finding missions to conflict areas in order to identify precisely the needs in humanitarian assistance, including access to civilian populations.

Secondly, I wish to address the issue of the separation of civilians and armed elements. This is a crucial issue that we must tackle resolutely. The report identifies the many problems created because of infiltration by armed elements into camps and regrouping areas for refugees and displaced persons. These problems can reach such a level that they destabilize some countries and regions, in addition to the many risks they pose for the lives and safety of

civilians, as described in great detail by the Secretary-General.

We welcome the measures outlined in paragraphs 35 and 36 of the report, in particular the agreement between the Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Refugees. However, this is also an area where the Security Council clearly has a responsibility that it must shoulder. The Secretary-General has made interesting recommendations in this respect, and my delegation endorses them. Recommendation number 35 contained in the 1999 report (S/1999/957) of the Secretary-General, on the deployment of international military observers to monitor the situation in refugee camps, is very relevant, and the Council should accord it full attention.

Thirdly, I should like to refer to the media and information. The importance of this sector in conflict situations cannot be ignored. In resolution 1296 (2000), the Council provided for the possibility of taking action to deal with media broadcasts inciting hatred, crime and genocide. In the current report, the Secretary-General has made a new recommendation urging the media to play a role in encouraging reconciliation and respect for others. Here, I am pleased to support the comments made by Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights, in her outstanding statement.

Fourthly, I should like to refer to the actors involved in the protection of civilians. We share the views of the Secretary-General on the complementary role that can be played by different actors in the international community, including regional organizations, civil society, the private sector, women and young people, with the encouragement and coordination of the United Nations.

Fifthly, we agree on the need to combat effectively all forms of impunity with regard to violations of international humanitarian and human rights law of which civilians in armed conflict are the victims. The recommendations of the Secretary-General aimed at strengthening international action in this respect are very relevant.

The Security Council must now change into a higher gear, focusing more on specific, concrete measures on the ground to improve protection for civilians in accordance with the principles of international humanitarian law and the purposes and principles of the Charter.

As today's debate is thematic and, therefore, of a general nature, I shall not go into detail about the harsh realities facing Palestinian civilians in their day-to-day life in the occupied territories, in particular since last fall. However, it is my duty to stress that, in all respects, the situation of the Palestinian civilians is a clear example of a situation in which the international community must take urgent, resolute and effective action to come to the aid of a civilian population. The duty to provide international humanitarian aid and the requirements of international humanitarian and human rights law, as well as of United Nations resolutions, require the international community to provide Palestinian civilians with the urgent protection that they need to ensure their safety. The Security Council must bear these requirements in mind. Our Council cannot apply a double standard, rushing to help civilians in some parts of the world while disregarding the fate of other civilians in other regions.

We must take a balanced and fair approach to international realities when considering all of the measures that have been proposed. All that is now required is political will.

Finally, I should like to say that my delegation has no objection to the idea of setting up a Security Council working group to study the implementation of recommendations and decisions relating to the protection of civilians with a view to providing the Council with information for decision-making on actions to be taken in the future. We are very happy to support that suggestion.

Mr. Mahbubani (Singapore): Canada should be commended for introducing this issue on the agenda of the Security Council and, in particular, for its contribution to the work on this issue during its presidency of the Security Council in April 2000. We would like to commend you, Mr. President, for organizing this follow-up meeting one year later. We would also like to thank Ms. Fréchette and Mrs. Robinson for their valuable contributions this morning.

As usual, the Secretary-General has produced a good report; we hope that it will be read widely. It is a thoughtful analysis of the political and legal context in which efforts to develop a culture of protection should be made. We would like to highlight for special attention the emphasis placed by the Secretary-General

on the fact that primary responsibility for the protection of civilians rests with Governments, and that, where Governments do not have the resources and capacity to shoulder that responsibility unaided, it is incumbent on them to invoke the support of the international system.

We also recommend that positive consideration be given to the Secretary-General's practical and action-oriented recommendations, in particular those that are targeted at enhancing the capacity of national Governments and the international community to prosecute violations of international humanitarian law; improving engagement by the Security Council and others with a view to obtaining access to vulnerable populations for humanitarian operations; and developing clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement.

Even if Member States do not have the time to read the full report (S/2001/331), we hope that they will at least read paragraph 67, which describes the bottom line. It states,

> "Some 18 months have passed since I submitted my first report on the protection of civilians in armed conflict. I regret to note that only a few of its 40 recommendations are so far being implemented".

Clearly, the Council will not get a good report card for its work in this area.

You have asked us to be brief and specific, Mr. President. Since we fully support your efforts to make our Council meetings more interactive and constructive, we will be brief and make three points, which hopefully will be quick and punchy.

First, the Council will not be judged on the protection of civilians in armed conflict by the words it produces — many words have already been produced. It will be judged by its deeds. In some areas we have done reasonably well: Kosovo and East Timor. In some areas, we have done badly: Rwanda, Srebrenica and the Middle East. In other areas, the record is mixed: the Democratic Republic of the Congo and Sierra Leone. The first specific suggestion that we would like to offer is a simple one. At the end of each year, the Council should do an objective and impartial audit. In how many conflicts did the Council intervene effectively to save civilians? In how many did it not? The purpose of such an objective audit would be simple: it would remove some of the growing cynicism — cynicism which, I am afraid, is very real — about the value of such open debates on the protection of civilians when the Council fails to respond to specific situations which cry out for effective responses.

Secondly, having just returned from a truly illuminating visit to West Africa — a region which, I note, is referred to several times in the Secretary-General's current report, I have become more acutely aware of the practical difficulties of protecting civilians in many contemporary conflict situations. The Secretary-General's report reminded us that international instruments require not only Governments, but also armed groups, to behave responsibly in conflict situations and to take measures to ensure the basic needs and protection of civilian populations.

Singapore therefore supports efforts by the Secretariat and by other organizations to disseminate information on international humanitarian and human rights law to armed groups, as described in recommendation 10 of the report. But we suspect that there will be great difficulties in bringing such a message to groups that may understand little of the language of logic and reason. When I visited the West African region I was told several times that the Revolutionary United Front (RUF) was led by a group of illiterate, barely educated and often barely sober young men who have had little contact with the civilized world. We need to understand the world as they see it. No rational human being would amputate the hands of innocent civilians, but that is what the RUF did with wild abandon. Why? What drove them to it? Until we understand how their minds work we will not be in a position to deal with them.

Therefore, our second specific recommendation is that we develop a different sub-set of ideas and principles to deal with such groups. Our fear is that, as inter-State conflicts are increasingly replaced by intra-State conflicts, there will be more and not fewer groups like the RUF. In that regard, I am glad that the Secretary-General will be asking the Inter-Agency Standing Committee to develop a manual of best practices for engagement with armed groups, as he notes in paragraph 50 of his report. We look forward to seeing the outcome of such efforts, and we are pleased that the representative of Ukraine also referred to the importance of this issue.

Thirdly, protection of civilians cannot be done with words only. As the then-Foreign Minister of Canada, Lloyd Axworthy, told the Council last year,

> "the protection of civilians requires strengthening our disposition to intervene with force if necessary." (*S/PV.4127, p. 24*)

Fortunately, the international community has demonstrated a willingness to intervene with force, for example in Kosovo and in East Timor. The latter was mandated by the Security Council, the former was not. Clearly, we need to work out clear and definite criteria for such intervention. That will not be easy, as the debate on the question of humanitarian intervention has shown. But the Council cannot avoid dealing with this issue if it is to protect civilians effectively. That is our third specific suggestion.

In conclusion, let me reiterate my delegation's positive reaction to the recommendations in the Secretary-General's report. We look forward to working with you, Mr. President, to find the best and most effective means of putting those recommendations into effect.

Ms. Durrant (Jamaica): Let me begin, Mr. President, by thanking you for organizing today's open debate on the protection of civilians in armed conflict and for providing yet another opportunity for members of the Council to exchange views with the wider membership of the United Nations. We wish to thank the Deputy Secretary-General for introducing the Secretary-General's report (S/2001/331). We welcome the United Nations High Commissioner for Human Rights and thank her for identifying areas of common concern to her Office and to the Council. My delegation thanks her for her offer to brief the Council on actions by the Commission on Human Rights on gross violations of human rights during armed conflict.

While several important initiatives have been undertaken by the Security Council since the Secretary-General's last report (S/1999/957), we have an obligation to acknowledge and formulate practical measures to address those commitments which have yet to be acted upon. The Council must continue, in the first instance, to encourage Member States to fulfil our responsibilities for the protection of civilians, to assess ways of improving cooperation between the Security Council and other bodies of the United Nations system, and to adopt a way forward that can generate the political will and the resources required.

As a first step, the Council has to follow up on commitments for the protection of civilians on a more regular basis. We thank the Permanent Representative of Tunisia for supporting the suggestion that the Council establish an informal working group to explore ways to integrate civilian-protection issues into the Council's work. In that regard, my delegation believes that a checklist should be developed for consideration when the Council is drafting resolutions and elaborating peacekeeping and peace-building mandates.

We support the emphasis placed in the Secretary-General's report on coordination between the Security Council and other organs of the United Nations, including the use of the monthly meeting between the Presidents of the Security Council and of the General Assembly. The Council's meeting later this week with the Economic and Social Council will also provide a useful starting point for collaboration between the Security Council and the Economic and Social Council.

One issue that has already been mentioned by previous speakers is the importance of ensuring respect for the rights of civilians among armed groups and non-State actors. The Security Council, we believe, must build on its efforts to engage those groups in dialogue. It must consistently urge them to commit themselves to the standards contained in international humanitarian and human rights law and must put constant pressure on them to accept and cooperate in the monitoring of adherence to those standards. They must understand that there can be no impunity for actions against civilians that are contrary to international norms.

In that regard, my delegation emphasizes the need for support, both financial and political, for the establishment of a special court for Sierra Leone.

While we recognize the difficulty of applying the legal regimes at our disposal to non-State actors, this is an area requiring serious study to explore possible solutions.

Next, my delegation believes that building strong partnerships with the private sector, non-governmental organizations and civil society will enhance levels of protection. Non-governmental organizations and other civil-society organizations have an indispensable role to play in shaping the agenda for the protection of civilians. Their contribution can be particularly critical in developing operational programmes on the ground

and in serving as important sources of information. I would wish to emphasize that this includes not only international non-governmental organizations but, more important, non-governmental organizations operating at the regional and national levels. We would suggest that greater use be made of Arria formula meetings in facilitating this dialogue. Strengthening the work of the Inter-Agency Standing Committee is also important in identifying ways of building on the complementarity between the United Nations and other organizations.

Thirdly, regional organizations should be encouraged to make the protection of civilians an important part of their own agendas. The Council should establish a proper mechanism for regular exchange to foster greater cooperation with regional organizations for the protection of civilians. Future high-level consultations between the United Nations and regional organizations should be used to develop cooperative efforts for this. I would also suggest that we use specific cases when we meet, for example, with ministers from the Economic Community of West African States or from the Lusaka peace process. Another area that requires attention is the controlling of small arms through collaborative mechanisms with regional organizations.

Fourthly, the Council must improve its efforts to investigate, prosecute and sanction individuals and corporate enterprises involved in the illegal exploitation and sale of natural resources and other resources that exacerbate armed conflicts.

The Council must therefore not only continue to investigate the linkages between illicit trade in natural resources and the conduct of war, but also begin to develop approaches, including the use of appropriate incentives and disincentives, in collaboration of other organs of the United Nations, to encourage a culture of corporate social responsibility among the business community. In this regard, the steps already taken by the Secretary-General to establish a Global Compact with the business community could be used.

Fifth, the Security Council should ensure not only that peacekeeping operations include specific and clear mandates for the protection of civilians, but also that these mandates include monitoring and reporting on their protection. In addition, the Council should continue to stress, as has been done in earlier resolutions, that peacekeeping forces must be appropriately trained in international humanitarian and human rights law to ensure that the rights of civilians are fully respected.

Sixth, when imposing sanctions, the Council must improve its efforts to develop a coordinated and integrated approach to minimize unintended consequences for civilian populations, including practical policy changes to improve design and implementation. The Council should consider authorizing assessment missions to targeted States and neighbouring countries before the imposition of sanctions. Every effort must be made to establish effective monitoring measures and to assess the likely unintended consequences. We would therefore support the establishment of a permanent technical review mechanism.

Seventh, the Council must ensure that the momentum already gained in advancing the special protection and humanitarian needs of vulnerable groups is maintained. Special attention must be given to involving women in determining protection strategies, as well as in negotiations of peace agreements. In this regard, we look forward to the reports coming out of last year's resolutions on children and armed conflict and on women, peace and security.

The best protection for civilians is the prevention of armed conflict. The Council should give consideration to the deployment of preventive peacekeeping operations or other preventive measures. Prevention has not been used sufficiently by the Council, although we all agree on its value in reducing the possibility of civilian crises. It would be useful for the Council to have a study of lessons learned in preventive operations, and we hope that these will be incorporated in the report of the Secretary-General on the prevention of armed conflict, expected next month.

In Jamaica's last statement on this issue, in April 2000, we stressed that improving the environment for the safe and secure provision of humanitarian assistance to individuals in need is also a major challenge. Attention to legal and physical protection for United Nations and other humanitarian workers should be revisited as a matter of urgency by the Council in the light of ongoing incidents of abuse and killings in several conflict areas.

The Council should systematically urge parties to conflicts to make special arrangements to meet the protection and assistance requirements of civilians. In

this regard, the protection of children is of major concern. Recommendations have been made by the Secretary-General, for example, for the establishment of "days of immunization", security zones and safe corridors. These still have to be given the attention they deserve by the Council.

The problem of hate media is also a matter of serious concern that was addressed by the High Commissioner for Human Rights. The Council should, where possible, ensure that peacekeeping and peace-building operations are authorized and equipped to monitor hate media. Media must be used to increase awareness in the area of human rights and international humanitarian law and to influence attitudes of belligerents and other non-State actors, as well as of the population affected. We believe that it is important to develop closer collaboration between the Departments of Public Information and of Peacekeeping Operations to ensure that this can be suitably implemented.

In conclusion, my delegation believes that the clear connections between human suffering, systematic and widespread violations of the rights of civilians and breakdowns in international peace and security warrant not only keeping this issue at the forefront of the Council's agenda, but also taking decisive action. Only when we have developed a culture of prevention, as well as a culture of protection, will we be able to fulfil the requirements of the Security Council's mandate.

Mr. Levitte (France) *(spoke in French)*: Thank you, Mr. President, for having organized this debate. Mary Robinson has expressed brilliantly what we are all thinking. I fully subscribe to what has been said by previous speakers.

The Ambassador of Sweden, speaking on behalf of the European Union, will make the general comments called for by the two Security Council resolutions that we have already adopted and the two reports of the Secretary-General on this important topic.

Rather than repeat what earlier speakers have said around this table today, I would like to try to think with my Council colleagues about how the principles that brought us together today can be applied to a specific issue. I am thinking of the conflict in the Democratic Republic of the Congo. Why is this? Because we are in the process of deploying contingents there right now, and the Security Council is going to carry out an important mission there at a crucial moment. Also, because that is, without a doubt, one of the deadliest conflicts for civilians. According to estimates of observers, there have been between 1 million and 2 million civilian victims. How, specifically, when confronted with this tragic situation, can our Council better ensure the protection of some 50 million Congolese citizens, particularly those living in the areas of conflict? This is a very concrete problem that faces us, and we must bear in mind the limitations of the mandate that our Council has given to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The limits are particularly narrow, but I am convinced that we can do better and more than we have done so far.

How can this be brought about? Our goal is to restore peace, territorial integrity and sovereignty for the inhabitants of the Democratic Republic of the Congo. From this point of view, it is clearly important not to stop with disengagement but to move towards the withdrawal of foreign troops and the demobilization of negative forces, and to put an end to the pillaging of the natural resources of that country.

Specifically, in order to provide protection for the civilian population, over and above putting an end to the fighting, there are things we can and must do. I think that the first thing is to strengthen the international presence charged with observing and investigating the facts on the ground, including, unfortunately, the massacres, particularly in the eastern part of the country.

From this perspective, there is one man who is already doing a great deal, Mr. Garretón, whom Mrs. Mary Robinson mentioned. We should hear him a third time before going to the field because his testimony before our departure would be extremely valuable, and he must be given the means to visit the area more often. It is not right that the Geneva office not be in a position to fund more visits by Mr. Garretón to the field.

Beyond the work done by Mr. Garretón, a second thing we can and should do is to encourage non-governmental organizations and all other actors that can, through their presence in the field, contribute to an awareness of events. In that regard, I would like to pay tribute to Human Rights Watch, which has done a tremendous job. There is no substitute for exposing concealed crimes.

Thirdly, we must no doubt strengthen the presence of human rights specialists within MONUC. Mary Robinson has said the same, and she is quite right. There are not enough MONUC personnel to carry out every aspect of the mandate we have entrusted to them, especially as the mandate does not allow the soldiers and observers we are sending to the field to take the time to look into the human rights situation in depth. We must therefore endow MONUC with a rapidly growing number of observers whose sole mandate is to monitor the human rights situation.

Finally, I believe that we should not rule out the possibility of bringing to justice those responsible for the most significant crimes and massacres that have taken place in that unfortunate country. Will it be necessary to set up a special tribunal, as in the case of Sierra Leone? Should we follow the Cambodian example? I would tend to be inclined to follow the Cambodian model, but this is a matter that we will have to be consider once we are in the field: how to provide justice to the Congolese people and how to bring to justice the perpetrators of the most significant crimes against the civilian population.

Beyond these actions sharply focused on protecting civilians and providing them with justice, there are two other actions we must take. The first is to develop economic projects with the involvement of the MONUC contingents, and the second is the development of humanitarian activities. In that regard, before departing we will have to listen to the recommendations of Mr. Oshima, who is present here.

Finally, a difficult topic we will have to address is the question of how to administer areas of the Democratic Republic of the Congo that have been evacuated by foreign troops. This is a question we will have to ask ourselves, and one that we will have to raise in particular with the political actors in the Democratic Republic of the Congo. It is also a question those actors will have to deal with on a priority basis in the context of their national dialogue.

These are a few specific points illustrating that it is only one step from principle to action, a step that we will be taking in our upcoming visit to the Democratic Republic of the Congo.

Mr. Wang Yingfan (China) (*spoke in Chinese*): At the outset, I wish to thank the Secretary-General for his report. I also want to express my appreciation to Deputy Secretary-General Fréchette and Mrs. Robinson for their statements.

In some regions of the world there are still ongoing armed conflicts causing untold suffering to millions of civilians, especially women and children. Finding practical and effective solutions to this issue has therefore become a widespread concern in the international community. In this regard, I would like to make the following three points.

First, the Security Council bears the important responsibility of maintaining international peace and security. Naturally, it therefore attaches importance to the protection of civilians in armed conflict. As far as the Council is concerned, the most fundamental and effective means to protect civilians in armed conflict is conflict prevention. Where conflicts do take place, the earliest possible solution should be found.

In this connection, further detailed studies on some of the recommendations contained in the Secretary-General's reports could be conducted, with a view to seeking appropriate and pragmatic solutions. In its discussions of the relevant contents of the Brahimi report, the Council may also explore ways to better integrate peacekeeping efforts with the protection of civilians in armed conflict. Other United Nations bodies could play their appropriate roles in a coordinated and concerted manner and adopt an objective and practical approach to this issue.

Secondly, the primary responsibility for the protection of civilians lies with the Governments concerned, although efforts by the international community are also crucial. Apart from the United Nations, regional and intergovernmental organizations are also playing an increasingly important role. The United Nations therefore needs to strengthen its coordination with them. At present, more and more non-governmental organizations (NGOs) have been actively joining in humanitarian efforts in many regions of conflict. The positive role played by NGOs and civil society in the regions and countries concerned deserves our recognition and encouragement. At the same time, there being so many NGOs, their activities also need to be properly regulated and guided so as to make the collective efforts of the international community more rational, coherent and effective.

Thirdly, it is relatively easy to reach consensus when discussing this issue in general terms. However, in addressing specific issues the situation sometimes is

much more complex, and difficulties and obstacles can be remarkably huge. For example, the Security Council has failed to promptly adopt necessary measures concerning the protection of civilians in the occupied Palestinian territories. There are numerous similar cases in the African continent. In cases such as those of the Mano River and Great Lakes regions, the lack of political will is often a formidable obstacle to prompt action and the prevention of humanitarian crises.

As another example, in Kosovo, as well as in the entire Federal Republic of Yugoslavia, certain aspects of the task of protecting civilians are still very difficult. In particular, the large-scale military action two years ago against the Federal Republic of Yugoslavia inflicted serious damage on the economic and social life of its civilians. As a result, its national economy has fallen years behind. In this context, an objective review of the protection of civilians that is responsible to history needs to be carried out.

Moreover, another well-known fact is that protracted sanctions have caused enormous harm to civilians. Although some of the civilians concerned are no longer under the scourge of war, their humanitarian suffering reminds us that their urgent need for protection should not be neglected.

We hope that the two reports of the Secretary-General and the discussions now taking place will serve to deepen our understanding of this issue and contribute to the rejection of views and positions that are inconsistent with the purposes and principles of the Charter and contrary to the will of the majority of Member States, so that the United Nations and the Security Council will be able to live up to the high expectations of the international community regarding the protection of civilians in armed conflict.

The President: After I give the floor to the representative of the United States, I shall turn to the High Commissioner for Human Rights to pick up some of the points that she has noted so far.

Mr. Cunningham (United States of America): I wish to thank you, Mr. President, Deputy Secretary-General Fréchette and High Commissioner Robinson for their statements.

My Government has long believed that the safeguarding of civilians from the devastating effects of armed conflict is at the very heart of the United Nations Charter. In examining this complex and difficult issue, we look at an array of instruments to deal with the challenge before the Council. Regrettably, the goal of protecting civilians caught between warring parties often eludes us, and a number of speakers have illuminated why that is so. I think that it is helpful to look at several specific situations, such as the tragic situation in the Democratic Republic of the Congo; Ambassador Levitte did a good job of outlining the complications there. We see that Congolese civilians need protection from foreign groups such as the former Rwandan armed forces members (ex-FAR), Interhamwe, UNITA and the Front pour la défense de la démocratie (FDD). They also need protection from indigenous Congolese militias such as the Mai-Mai. Congolese civilians also, unfortunately, need protection from some of the signatories to the Lusaka Ceasefire Agreement. This means that they need protection from some of our very partners in the peace process.

United Nations peacekeeping cannot substitute for the protection of the rule of law, which is the essential element for real protection. At most, it can provide a protective temporary umbrella for some civilians for some of the time a conflict rages. For example, the Government and people of Sierra Leone are looking to the United Nations Mission in Sierra Leone (UNAMSIL). But UNAMSIL cannot protect the people of Sierra Leone against the depredations of a murderous insurgency. It will, however, help extend the authority of an elected Government to all parts of its territory.

Countries such as the Democratic Republic of the Congo and Sierra Leone need, above all, the restoration of legitimate and effective national authority. Our fondest wish would be that this Council could protect all those who are subject to insurgencies and — yes — Governments that prey on their own people. While it cannot, there is much more than we can do to help achieve that goal. The Secretary-General has made a number of recommendations, and they are already affecting our work and the work of the United Nations. I also note that resolution 1296 (2000) is also contributing to change. While none of these recommendations or the resolution can simply be implemented in and of themselves, the recommendations and sentiments that we have adopted are helping, and specific elements, for instance, have been applied to the situation on the border of Sierra Leone and Guinea.

Resolution 1296 (2000) also invited the Secretary-General to share with the Council information about possible threats to civilians, denials of humanitarian access and violations of the civilian nature of refugee camps. Indeed, the Council is now hearing and gathering more of this type of information. We encourage the Secretary-General regularly to include this information in his periodic written reports to the Council and to make more information available through briefings from the Under-Secretary-General for Humanitarian Affairs or the High Commissioner for Refugees, through the briefings we also receive from officials recently returned from trips to conflict areas, and in the oral updates we regularly receive from the Secretariat.

Additionally, it should be a priority, in the event of a Security Council mission, to see firsthand the impact of a conflict on the civilian population, with an eye to gaining wide access to, and promoting safety for, vulnerable civilian groups. The more the concept of protection of civilians is mainstreamed into the work of the Secretariat and the Council, the more a "culture of protection" will be fostered, and the more frequently that case-specific action may be possible.

The Secretary-General quite rightly focused on the promotion of a "culture of protection" in his report of 30 March. We strongly applaud the report's support for continuing efforts to prosecute those accused of crimes against humanity or other serious violations of international law. We are pleased that in the past year there has been enormous progress in this area, including the Council's decision to create a pool of ad litem judges for the International Criminal Tribunal for the former Yugoslavia, to increase the number of judges for the International Criminal Tribunal for Rwanda, and to establish a special independent court for Sierra Leone. We hope to see continued nominations of talented jurists for vacancies at the international Tribunals and urge moral and financial backing for the special Sierra Leone court.

The United States also supports the Secretary-General's recommendation that armed groups be pressured to comply with fundamental rules related to the protection of civilians during armed conflict, and to ensure access of humanitarian assistance to civilians. This is a key element which is growing in relevance to the conflicts that we are dealing with. The international community, through the United Nations, through bilateral channels and through the International Committee of the Red Cross, can assist in building local capacity to integrate international humanitarian law into the national legal frameworks that are being developed.

The United States is ready to add the Council's weight to the efforts of the Secretary-General, the Emergency Relief Coordinator, the Special Representatives and the United Nations humanitarian coordinators with local leaders to ensure safe and unimpeded humanitarian access to civilians. We count on each Special Representative to consult with the United Nations Humanitarian Coordinator and humanitarian agencies and to raise issues of responsibility to protect civilians.

The Secretary-General correctly points out that the identification and separation of armed elements from displaced civilian populations are difficult and delicate tasks. We encourage the Department of Peacekeeping Operations to work closely with the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs to develop clear criteria and procedures to accomplish this critical task.

We also welcome the Secretary-General's recommendation that every peacekeeping mission include a mechanism to monitor local media for hate-mongering. Any threat to civilian populations created by such activity must be expeditiously addressed by the peacekeeping mission and humanitarian actors.

In closing, the United States reiterates its support for the Secretary-General's efforts to protect civilians in armed conflict and renews its support for resolution 1296 (2000). We encourage the Secretary-General and other key actors in the United Nations system to continue the dialogue on how United Nations organs can better work together to promote protection and to present country-specific recommendations for the Council's consideration.

The President: I give the floor once again to Mrs. Mary Robinson, High Commissioner for Human Rights.

Mrs. Robinson: I must say that it has been a rich debate and very instructive to listen to the very specific proposals put forward. I would welcome the opportunity to respond briefly to some of these suggestions. A number of them were repeated by members of the Security Council.

I should like to begin with the points made by the representative of Bangladesh, who began by referring to the importance of prevention, and I think that is a theme that others took up. It was also the subject of a report that I made last year to the Commission on Human Rights, setting out, from a human rights perspective, the different ways in which we can add to a debate on prevention. I would recommend that as a source, perhaps, to look at.

The representative also talked about possible mediation by high-level personalities. I would suggest that, if there is to be mediation, it should draw on the work of country or thematic rapporteurs, the present work of our Office or components of peacekeeping, and have this material in relation to any attempts at mediation.

Reference was made by a number of representatives to the debate with non-State actors. Again, our offices on the ground are involved in a debate with non-State actors, and we would be very happy to share some of this experience, if it could be helpful. One of the areas that we are seeking actively to make progress in is to use the approach of trying to get non-State actors to subscribe to basic international human rights and humanitarian law. We succeeded in some part with a manifesto on human rights in Sierra Leone, and the Revolutionary United Front (RUF) also subscribed to this.

We are very keen now, in the context of the Democratic Republic of the Congo, and perhaps during the seminar on human rights that has been proposed for the month of May, to have a human rights text that all parties could subscribe to as a basis for moving forward. We have also been encouraging this in the context of Colombia — that the different state and non-state actors would subscribe to a text of international human rights and humanitarian law. We would certainly be happy to share those experiences.

In relation to the contribution of the representative of Ukraine, I would also, as he does, welcome the forthcoming discussion with the Economic and Social Council Bureau and wider linkage within the system, which is another innovation of the Security Council that I very much welcome. He and a number of other contributors referred to the separation of refugees and armed elements in camps. Obviously, this is a key recommendation, but it also brought to my mind the role and discussion that we are having now in the Inter-Agency Standing Committee on protection of internally displaced persons. This is being held with the Special Representative of the Secretary-General, with Special Coordinator Dennis McNamara and with the different agencies, because we recognize so many gaps in the protection of internally displaced persons and that we must work with the Governments in the context of internally displaced persons. Perhaps the Security Council should be more aware of this intensive debate that has been taking place, at very regular intervals now, in the context of the Inter-Agency Standing Committee.

The representative of Tunisia referred to the importance of media and of having a code of ethics or a way of controlling and curtailing hate speech. We will be looking at this, as I said, in preparation for the Durban World Conference against Racism. He also referred to the question of a working group, if that emerges from this discussion. I would simply say that, if there is a working group or a task force, we in our Office would certainly wish to offer any support of a practical nature to that working group and to interact with it.

I was interested in the innovative idea of the representative of Singapore concerning the possibility, at the end of a given year, of some kind of objective audit on the number of conflicts on which it had been possible to have some impact. Again, in gathering in or looking at that audit, I think it would be appropriate to look to the work being done on the ground, especially in relation to links with armed groups and attempts to have them adhere to international human rights and humanitarian standards. Also, obviously, he made reference to the proposed manual of best practices of the Inter-Agency Standing Committee. We would hope to make a significant contribution to that.

The representative of Jamaica referred to the "Arria formula" meetings. I was very pleased that she did, because we in the human rights community have greatly welcomed the fact that the Security Council has been hearing, in particular, Mr. Garretón, the Special Rapporteur for the Democratic Republic of the Congo. I would urge that there be wider use made of the experts, the special rapporteurs and special representatives. She also referred to the issue of hate speech and to the need to monitor the media. Again, I look to the World Conference and its practical measures as being a way to have a whole range of

issues that can be addressed to combat this new form of communicating racism and stirring up ethnic conflict.

The representative of France focused in particular on the situation in the Democratic Republic of the Congo. This gives me an opportunity to really emphasize the resource of the work of our Office on the ground, both in Kinshasa and in Goma. When I was there last October, I was really impressed by the work that can take place in situations of quite serious conflict, especially the linkages and support for human rights non-governmental organizations and their very close working relationship with the United Nations Organization Mission in the Democratic Republic of the Congo. I hope that, in the opportunities that are now opening up, we can reinforce the work of our Office and that it can be more known to and drawn upon by the Security Council in its assessment of the situation and in the role of enhanced peacekeeping in the Democratic Republic of the Congo.

The representative of China again emphasized the role of prevention. I must say that I am very glad to see this so high among the priorities. If we are going to link all of the elements and resources, this requires a comprehensive role and the human rights community does have a lot to offer in that regard. He also referred to the impact of sanctions. There again, there is some study by some of the human rights committees of the impact of sanctions. If the Security Council is discussing this issue, I think it should look into the information on sanctions, which we would be happy to provide.

The representative of the United States referred in particular to the situations in Sierra Leone, in the Democratic Republic of the Congo and, indeed, in West Africa. Again, I think we have missions that have just taken place, including the particular mission to West Africa, which I believe are an important resource for the Security Council and for the human rights community. As I understand it, there is a proposal for a possible office in West Africa, which I feel would need to have a strong human rights component because of the subregional human rights issues that need to be addressed. Reference was also made to the Sierra Leone Special Court. This Special Court sends enormously important signals in that subregion. I believe it is vital that the Security Council find the means for effective financial resourcing and support for that Court because of its important signal of really tackling impunity and what can be built on in relation to it.

I have to say in conclusion that it is very instructive from my point of view to see how practical the contributions have been from the members of the Security Council. I am very encouraged by this and it confirms that making a closer link with Geneva and the human rights machinery makes every sense in this context.

The President: I fully agree with what the High Commissioner has said.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are grateful to the Secretary-General for his report, to Deputy Secretary-General Louise Fréchette for introducing it and to High Commissioner Mrs. Robinson for her participation in this meeting.

In the Millennium Declaration, the heads of State undertook to

> "expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law". (*resolution 55/2, para. 26*)

Thus, it is not by chance that we are discussing these issues today.

Over the past 50 years, a great number of international instruments have been adopted on human rights and international humanitarian law, and yet entirely innocent civilians, including children, women, the elderly, refugees and humanitarian personnel, continue to suffer in the course of armed conflict. It is clear that, in this situation, additional emergency measures are needed at the national, regional and international levels, primarily in the context of coordinating efforts. This is a point that you, Sir, and Mrs. Robinson have addressed, as have my colleagues.

We welcome the Secretary-General's two reports, in which he has sought to analyse the reasons for the violation of the norms of international humanitarian law in armed conflict and to offer recommendations on strengthening the protection of civilians. Many of his proposals are in line with our position, such as those on additional protection for specific sectors of civilians, primarily children, and on the importance of national and, where necessary, international criminal prosecution of those who have committed crimes under international law, inter alia, through the future

International Criminal Court. I would recall that Russia signed the Statute of that Court during the Millennium Assembly.

At the same time, as many of my colleagues have said, we believe that the one fundamental way to protect the civilian population would be simply to eliminate war from society — to prevent and halt conflict. That is the thrust of the concept of strategic stability proposed by the Russian Federation during the Millennium Assembly. Nobody questions the fact that an effective and appropriate international response to any crisis, including a humanitarian crisis, is essential. Such a reaction must be based on respect for the norms of international law and the provisions of the Charter. It also presupposes — this is a point that that has already been made today — the primary responsibility of the Security Council for the maintenance of international peace, the full implementation by States of the rules of international comity and respect by all the parties to a conflict of the norms and principles of international law, including humanitarian law.

Indeed, it is precisely the States and parties involved in an armed conflict that bear the primary responsibility for providing civilians with protection. International efforts by the General Assembly, the Security Council, the Economic and Social Council and other bodies within the United Nations system can have an additional positive impact in this respect. But it is important for all efforts to be properly coordinated so that, in the area of protecting civilians, as in other matters, there is full respect for the division of labour, pursuant to the Charter and other international legal instruments.

In order to enhance the effectiveness of the Security Council's work in this area, and bearing in mind the recommendations made by the Secretary-General, we consider it important for the particular features of each specific armed conflict to be taken into account to a greater extent and, on that basis, for measures to be taken to protect civilians. The mechanism for the Council's interaction with representatives of regional and subregional organizations must be improved on the basis of the principles of the Charter of the United Nations, particularly those set out in Chapter VIII. I should also like to point out that that principle is already being applied in the area of peacekeeping interaction between the United Nations and the Commonwealth of Independent States.

Considerably more could be done by States to improve their national legislation and to publicize information about international humanitarian law and the need for full respect for the provisions of the Charter of the United Nations, Security Council decisions, human rights standards and the norms and principles of international law. Member States and the Secretary-General might perhaps report more quickly to the Council any information that they have about situations that could create a threat to international peace and security, including cases of deliberate refusal to provide safe and unhindered access for humanitarian personnel to civilians in need and gross violations of human rights, where they may constitute a threat to international peace and security.

We hope that today's discussion will help to improve the work of the Security Council and that of other agencies and structures in protecting civilians and that it will provide an impetus for further positive progress in this area.

With regard to the question about how the Security Council might specifically contribute to this matter, we believe that there are three ways in which we could move forward. The first could be to continue discussing the general principles, seeking, in this context, a mechanism for improving coordination with other United Nations bodies, while, of course, respecting the individual competency and terms of reference of each. That would be useful, though not enough in itself.

The second path could be to make use of discussions such as today's debate so as to consider the various individual situations in any given country. That would make our discussions more specific, but they would still not be sufficiently focused. Since certain specific issues would be raised within the context of a general debate, we would not really move towards resolving individual questions.

The third path would be to take it as a rule that the principles and ideas that nobody disputes should be applied at the practical level every single time we discussed a specific item on the agenda of the Security Council on the situation in any given country. Of course, we are far from being able to achieve this every time. Examples have been provided today, by the Permanent Representative of China and other colleagues, and this third path is much more difficult to follow. But if we do not try to follow it, the Security

Council will hardly be able to discharge its responsibilities under the Charter.

The President: Members and non-members of the Council should expect the meeting to be suspended at 1.15 p.m. and to be resumed at 3 p.m. promptly.

Mr. Ryan (Ireland): The Secretary-General's report represents a challenge to the Security Council, to the United Nations system and to the wider international community, which requires action-focused responses. The Secretary-General presents a compelling case for a culture of protection for civilians in armed conflict. We know only too well that conflicts are increasingly internal, rather than inter-State. Article 3 common to the four Geneva Conventions remains of singular importance in this regard. Civilians are frequently the principal object of violence rather than incidental victims. The shocking number of civilian victims in recent conflicts adds urgency to our work here today. As High Commissioner Robinson said earlier, civilians look to the United Nations to help them. She also said that victims are often denied the right to be heard. We must therefore move beyond rhetoric to specific action.

The Secretary-General is absolutely correct in demanding that we implement the action which he has recommended and which we ourselves agree is required. The Security Council must act within the terms of its own mandate and capabilities, but we must cooperate proactively with the rest of the United Nations system and the wider international community to ensure a fully coherent and effective response.

You, Mr. President, have rightly asked that we take an action-oriented approach in our statements today. In support of that, I will make some specific observations and related proposals, adding that Ireland fully associates itself with the statement that will shortly be made by Sweden on behalf of the European Union.

First, Ireland reaffirms the need for all States to comply strictly with their obligations under international law. National Governments have primary responsibility for ensuring the protection of civilians — both their own citizens and refugees within their borders. They must observe international instruments providing for humanitarian access as an inviolable right of those adversely affected in conflict situations. This is a frequently repeated mantra, but the core message must issue unambiguously from our deliberations.

Secondly, we must address the growing need for humanitarian agencies to deal directly with armed elements in a conflict situation in order to secure access to refugees and internally displaced persons in need of aid. No matter how diverse the circumstances of conflict situations, there are certain basic guiding principles relevant to all agencies. Agencies in such difficult situations need to preserve the perception of their neutrality and to avoid provocation by the armed groups in question by ensuring absolute transparency in their work. They must also achieve the sometimes very difficult objective of avoiding being played off against each other by their interlocutors.

The report rightly asserts how essential it is to develop more coordinated and creative approaches to access negotiations, for example, by pooling agency interests consistent with their mandates, and by agreeing on mutually complementary sectoral negotiations. We welcome the action of the Secretary-General in requesting the Inter-Agency Standing Committee to develop a manual for access negotiations and strategies, including benchmarks for engagement and disengagement. This is an area of enormous practical importance, and we look forward to progress here.

Thirdly, the Secretary-General draws attention to the actual and potential further effects of the presence of armed elements among civilians in refugee camps. Failures to deal with this issue have had disastrous but predictable consequences. The Secretary-General's report points to a number of practical difficulties and makes a number of important recommendations in this area. We welcome the agreement between the Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Refugees, of June 2000, to ensure close cooperation on this issue, and their agreement to deploy, as appropriate, multidisciplinary assessment teams to evaluate the situation on the ground in emerging crisis areas. We believe that the development of clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement should be a core element of any follow-up to this discussion. My conviction in this area is underpinned by my recent visit to southern African States in my capacity as Chairman of the Angola/UNITA sanctions Committee. Here I wish to

echo Ambassador Levitte's concern, in the context of the Democratic Republic of the Congo, about how the dangerous vacuum created by military withdrawal is to be addressed effectively.

Fourthly, the report draws attention to the particular position of internally displaced persons. Internally displaced persons suffer through the failure of their own countries to respond to their needs, and because there is no established system of international protection and assistance for them. Ireland supports strongly the activities of the Special Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis Mading Deng. We welcome the use of the Guiding Principles on Internal Displacement.

Fifthly, we agree strongly with the Secretary-General's observations on the detrimental effects that media can have in fomenting and prolonging conflict, and with his comments on the positive practical role that media can play in building a culture of strong civil society. Ireland has supported the Integrated Regional Information Network, run by the Office for the Coordination of Humanitarian Affairs. We attach particular importance to paragraph 18 of resolution 1296 (2000). Peacekeeping missions should, where appropriate, have a mass media component which can disseminate information about international humanitarian law, human rights law, peace education, children's protection and the activities of the United Nations. The Secretary-General notes that no peacekeeping or peace-enforcement mission has yet been authorized to close down the assets of "hate media". We support action against the instruments of hate media in the context of peacekeeping and peace-enforcing missions. Channels for the dissemination of ultra-nationalistic and ethnocentric hate campaigns are a direct obstacle to the accomplishment of the mission and should be treated accordingly.

In the longer term, there is clearly a need to develop educational systems and syllabuses which inculcate the values of tolerance and shared human rights. This is a challenge not just to national and local authorities, but also to other organs within the United Nations system, including the United Nations Educational, Cultural and Scientific Organization.

Sixthly, the creation and entrenchment of robust legal structures which adequately defend the rights of civilians and act as a real deterrent to potential violators of international human rights law remains a vital component in a global approach to the protection of civilians. While the granting of amnesties in certain very restricted circumstances may, after deep reflection, be warranted, the granting of amnesties from prosecution to those who have committed gross violations of human rights should not be countenanced. We have seen all too clearly that amnesties are not a pragmatic, convenient fix to attain peace and reconciliation but in fact undermine those objectives by emboldening, and often empowering, the transgressor as well as by debilitating the development of the rule of law. Those who commit grave offences under international humanitarian and human rights law must be brought to justice. Ireland has long been an advocate of the International Criminal Court. We urge its coming into operation as soon as possible. I noted Deputy Secretary-General Frèchette's earlier strong emphasis on those points.

In that regard, it is imperative that proper financing be provided to fund ad hoc criminal tribunals from the outset of their operation. Adequate financing is required so that the special court for Sierra Leone established under Security Council resolution 1315 (2000) last year can begin its investigative and prosecutorial responsibilities.

We are hearing today some powerful and convincing arguments and recommendations. We need to follow up on them and on the recommendations contained in the Secretary-General's two reports. Ireland supports the setting up of a working group of the Council charged with submitting to the Council practical proposals for implementing, within the terms of the Council's mandate, such recommendations as well as the commitments of resolution 1296 (2000). One such measure could be the drawing up of a checklist of requirements which could be applied, on a case-by-case basis, depending on the particular prevailing circumstances, to the establishment or renewal of peacekeeping mandates. One concrete example, in Ireland's view, is that all peacekeeping operations should contain a human rights component, funded from assessed contributions. We would also strongly support further reports to the Council by the United Nations High Commissioner for Human Rights, Mrs. Robinson, following important fact-finding missions to areas of major conflict, and would support Arria-formula meetings of Council members being used more regularly in this area.

Finally, I must re-emphasize that the Security Council alone cannot deal with the issue of the protection of civilians in armed conflict. National Governments, the rest of the United Nations system and the wider international community must also work together in a joined-up way. We are making a start here today, and we will have an important opportunity, later in the week, to explore with the members of the Economic and Social Council and other important actors how to ensure a more coherent response to this challenge.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): Incidents of armed violence against defenceless populations exacerbate the vulnerability and poverty in which millions of people live. We wish therefore to join the Secretary-General in calling for a culture of protection in our time, based on the elements he mentions in his report (S/2001/331): strengthened criminal justice systems; regional approaches to the protection of refugees and to monitoring humanitarian situations that could endanger peace; greater guarantees of access by humanitarian organizations to the victims of conflict; and greater participation by civil society, including the media and the private sector, in efforts to create a broad network for the protection of civilians. We agree on the importance of these elements, and we are confident that the United Nations will be able to help consolidate a culture of protection not only at the international level but also at the national level in close coordination with Governments, who bear primary responsibility for the protection of civilians in armed conflict.

In keeping with your suggestion, Mr. President, I shall suggest a number of practical activities by which the Security Council could contribute to the protection of civilians in conflicts of which it is seized.

First, it is crucial that there be proper follow-up of the impact on civilians of all Security Council actions, such as statements on specific situations, the imposition or lifting of sanctions, and the creation, extension or termination of peacekeeping operations. We do not know the real scope of the impact of all such actions on civilians and therefore believe that, in his reports, the Secretary-General could include brief, focused follow-up assessments including the concrete contributions of the Council, along with its errors, failures and limitations, always bearing in mind the views of the States concerned as a form of cooperation with the Organization.

With respect to such assessments, the Security Council must not lose sight of the fact that, as a political body, it has structural constraints on the full consideration of an item that is essentially humanitarian in nature. The protection of civilians is carried out through a variety of activities, including humanitarian assistance, legal protection, and political and economic arrangements, whose implementation goes beyond the Council's capacities. But the essence of humanitarian activity is its neutrality and impartiality; the Council can make an effective contribution to the full protection of those elements.

Secondly, special envoys and special representatives of the Secretary-General should make specific proposals to the Security Council on the item before us today. Their information could, *inter alia*, help us define more precisely the terms of reference of Security Council missions to conflict zones, such as those that will soon be going to the Great Lakes region, Kosovo and Georgia, so that these can contribute to the creation of a political context that fosters the protection of civilians.

Thirdly, the Council should recognize that, in the long term, the most effective way of protecting civilians is by means of a negotiated political solution that puts an end to an armed conflict. In each case, the Security Council should think about the potential for either contributing to or obstructing such a political solution and, therefore, the protection of civilians. In so doing, this organ of the United Nations must consider the protection of civilians as one of the matters for which it is responsible when dealing with a situation that threatens international peace and security. The protection of civilians in occupied territories is a concrete example in which the Council could make a significant difference.

Fourthly, it is necessary that the relationship between the Security Council and the regional organizations include the generation of data about available mechanisms for the protection of civilians. In this context, the Council must bear in mind that many of the regional organizations, in particular those made up of developing countries, labour under great limitations and can be operational in this field only if they are provided with the necessary means. However, the Council must work with sufficient awareness of the national interests of each country in the region in order to avoid unnecessary political tension in handling humanitarian situations.

Another appropriate practical measure would be to invite various actors in international life — Member States of the United Nations, international organizations, members of national and international civil society and private sector actors — to join in this search for ways and means of improving the protection of civilians. In bringing about this level of participation, the General Assembly, the Economic and Social Council and other bodies of the United Nations system seem to have a tremendous comparative advantage over the Security Council, as is also the case in the promotion of social and economic development initiatives in conflict areas with resources from various sources — initiatives that are directed specifically at tackling the sources of the armed conflict and the causes of its continuation.

I would like to make some specific comments on topics in the Secretary-General's report that have particular relevance for Colombia. First, we must recognize the part played not only by the General Assembly and the Economic and Social Council, but also, very particularly, by the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees (UNHCR). Thanks to their great experience, they can contribute greatly at the international political and legal level, as well as in the field.

Secondly, it is indispensable that actions taken by the United Nations in this area, including the determination that a Government is not in a position to protect its civilian population, because of a lack of resources or de facto control over part of its territory, have the consent of the State concerned, in keeping with the specific circumstances in each case.

Thirdly, any action for the protection of civilians must be guided by comprehensive respect for refugee law, in close cooperation with UNHCR, including assistance to displaced persons. The opinion of the UNHCR representative on the effectiveness of the application of refugee law and of the recommendations of the Secretary-General found in paragraphs 34 and 35 of his report, is useful for this debate.

In conclusion, it is important to emphasize, as paragraph 48 of the report has done, that armed groups must comply strictly with the relevant standards of international humanitarian law, and in particular those pertaining to the protection of civilians. As the Secretary-General has so aptly said, it has been demonstrated that these groups misuse their power by attacking defenceless civilians and blatantly disregarding international humanitarian law. We support the prohibition and the appeal that civilians not be treated as targets and that no indiscriminate attacks be perpetrated against them.

Mr. Ouane (Mali) *(spoke in French)*: We are grateful to you, Mr. President, for having organized this open debate on the protection of civilians in armed conflict. We would also like to thank the Deputy Secretary-General, Ms. Louise Fréchette, and the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, for the important statements they made.

More than a year after the Secretary-General submitted his first report on this important issue and the adoption of Security Council resolution 1296 (2000), it is the right time to do some stock-taking and to look at the gap between the humanitarian diagnosis, which is one of tragedy experienced by millions of refugees and displaced persons, and the political diagnosis, which calls for swift and appropriate action.

The current report of the Secretary-General contains practical and useful recommendations that deserve our full attention and thorough consideration. At this stage, my delegation will not comment on the proposals in detail. Given the guidelines we agreed on in the Council about how to organize today's debate, I would like to focus on the recommendations of the Secretary-General that are regional in their scope.

The first point I wish to make in this connection is that we welcome the importance the Secretary-General has attached in his report to more regular cooperation with regional arrangements and bodies. This is an essential recommendation, because in my delegation's view it provides a kind of framework for testing almost all of the other recommendations made by the Secretary-General. We welcome the decision that the next high-level consultations between the United Nations and regional organizations will focus on the question of strengthening civilian protection in armed conflict.

In this same connection, we believe that it is urgent to implement a regular follow-up mechanism on cooperation between the Security Council and regional organizations. It is essential to provide the regional organizations with material, financial and technical support. For example, it is necessary to give such

support to the Economic Community of West African States (ECOWAS) which, through its Mechanism for Conflict Prevention, Management and Resolution, has established an early warning system to collect and analyse information. The ECOWAS area has been divided up into four areas for monitoring and follow-up, with local offices in Banjul, Gambia; Ouagadougou, Burkina Faso; Monrovia, Liberia; and Cotonou, Benin.

Because one of the best ways of protecting civilians in armed conflicts is prevention, the fight against the proliferation of small arms and light weapons should remain a priority for the international community. From this perspective, the Moratorium on the Import, Export and Manufacture of Small Arms in West Africa, which was adopted by ECOWAS, is a positive initiative that responds to the concerns expressed in the Secretary-General's report, and it therefore should be fully supported.

We believe it useful to disseminate information in local languages about the culture of peace and the obligations incumbent on the parties under international humanitarian law. This could contribute effectively to protecting civilians in armed conflicts.

The second point I wish to make is that Mali believes it essential to make the vulnerability of civilian populations in armed conflict a more important factor in political decision-making. The decision by the ECOWAS heads of State and Government to deploy a multinational force along the borders of Guinea, Liberia and Sierra Leone is based on that belief. This initiative, which is intended to give humanitarian agencies on the ground free and secure access to populations at risk, should also help to separate civilians from armed elements, especially in the Parrot's Beak region. The initiative responds to the concerns expressed in the current report of the Secretary-General and will help to deal with the most devastating humanitarian crisis of the day. It is for that reason that it deserves the full support of the Council.

My third point is that, from a regional perspective, the Secretary-General's other recommendations should be coherently and specifically implemented by all bilateral and multilateral actors, including civil society, non-governmental organizations and the private sector.

Given the massive killings of civilians in armed conflicts, the Security Council has an obligation to act, in the exercise of its primary responsibility for the maintenance of international peace and security. The two reports of the Secretary-General on the protection of civilians in armed conflict and the many relevant proposals made in today's debate offer us guidance for action in this regard.

The President: I am now going to give the floor back to the High Commissioner for Human Rights, as she has to leave us shortly. I shall then finish the speakers' list of members of the Council, and start the list under rule 37 at 3 p.m.

Mrs. Robinson: Again, I note the very specific approach of each of the representatives. I would just like to respond very briefly.

In the case of the representative of the Russian Federation, he placed a lot of emphasis on better coordination in the United Nations system and on a better division of labour in order to secure more effective prevention. Again, I think this seems to be an initiative that the Security Council is really taking, including in the discussions it will be having with the Bureau of the Economic and Social Council. But I would like to link it with the very strong case made by the representative of Mali about the importance of linking, in a resourcing and supportive way, with what regional organizations such as the Economic Community of West African States (ECOWAS) are doing. Certainly, that is our experience in the human rights context — namely, that the subregional framework is a very valuable framework for promoting human rights values, sharing good practices and having a much more effective and concerted approach. This seems to be all the more important and all the more worth discussing, in every sense, in the context of the core issue of protection of civilians in armed conflict.

I very much agree with the points that he made about the importance of the Moratorium on small arms. I think there are not only measures that can be taken in that context, but experiences that can then be used elsewhere. I think the Security Council could play a very important role by reinforcing the capacity of regional organizations and, then, sharing their good practices and building on that in other regions.

In relation to the contribution of the representative of Ireland, in referring expressly to article 3 of the four Geneva Conventions he in fact reiterated the point I made that there are certain indispensable standards that apply to armed groups. I

think that is a way by which it is possible to communicate the important principles and, as has been said, communicate them in local languages and reinforce that they cannot be departed from in any circumstances and that there is a rich jurisprudence in relation to that.

The representative of Ireland referred to the important work of Francis Deng and to the guiding principles. I again refer to the working reality that we are facing of the many gaps that exist in protecting the internally displaced and the important role of the coordinator of the Inter-Agency Standing Committee, Dennis McNamara, in working with Francis Deng, our Office, refugees, the International Committee of the Red Cross, the International Organization for Migration and all the other bodies to try to fill those gaps; because it is our assessment that they still are not appropriately filled.

I very much welcome the reference to the importance of a human rights component in mandates of the Security Council, and that that would hopefully be a funded component. I am certainly very happy to ensure that in any fact-finding that I personally carry out as High Commissioner, or that is carried out by the human rights mechanisms, perhaps more direct ways are found of ensuring that the Security Council gets that information as soon as possible and in the most direct way. If there is a task force established, maybe we could talk about methods of ensuring that that is very automatically and immediately available.

I welcomed the emphasis of the representative of Colombia on the need to embed a culture of protection and the role of the Security Council in being a body that brings neutrality and impartiality. He referred to the fact that special envoys should offer specific recommendations, and referred in particular to potential forthcoming opportunities in the Great Lakes area and in Georgia. Again, I think it is a case of a coordinated approach, as has been emphasized by so many contributors to this discussion. The real prevention and embedding of a culture of protection comes from drawing on all components including, obviously, the human rights framework and sector.

I also agree with the emphasis on responsibility of the private-sector actors, as I had said. We are increasingly learning of ways to ensure that there is not even indirect complicity in abuses of violations of human rights. The private sector itself is very engaged in looking at this area.

Finally, I come back again to the contribution of the representative of Mali. The first point that was made was about this being a very good time for stock-taking and looking at gaps. I believe that this is one of the challenges we face when looking at the protection of civilians in armed conflict. What are the gaps? As I said, we increasingly recognize those gaps in relation to internally displaced persons; those gaps are there. One of the gaps is reflected in the point made by the representative of the Russian Federation in saying that perhaps more account should be taken, in more depth, of each situation of conflict. Sadly, we have seen that addressing issues of conflict and making some progress does not necessarily last, and that countries can fall back into conflict. One of the responsibilities is to ensure that we look deeply enough. Again, I would point to the need not only to understand the importance of violations of human rights as being at the root of conflict, but also building the capacity of countries to address issues of conflict.

If I might digress to something slightly different that has been very much in my mind as I have listened to this debate, in Brussels on 14 May we will hold a special conference to focus on less developed countries. The ability of less developed countries to build their capacity in the administration of justice, rule of law and protection of human rights is vital to the protection of civilians in armed conflict, because if we look at the profile of conflicts, we see that a very significant number of them are in less developed countries; they have roots in poverty; and they have the profile that is reflected in the reports of the Secretary-General.

But from a capacity-building point of view, and as a system as a whole, we have to recognize that in order to combat issues of conflict and the impact of conflict on civilians in the long term, we must be prepared to invest in ensuring that less developed countries have more support in building up their administration of justice, their rule of law, their own capacity in protecting human rights, and that this, then, should also be reflected in better regional approaches, as has been emphasized.

Again, I find this a very rich and very practical debate, and I am very pleased indeed to have been able to participate.

The President: I thank the High Commissioner for those further points she has made, and I should like, on behalf of the Council, to express our gratitude to her for taking the trouble to come across from Geneva for this debate and spending the whole morning with us.

Mr. Kolby (Norway): My delegation, too, welcomes this open debate on this very important item.

I shall refrain from reading out my full text.

I should like to thank Deputy Secretary-General Fréchette, and also Mrs. Robinson for her introduction and very active involvement in our discussion. We also welcome the Secretary-General's report and in particular the clear analysis and the concrete recommendations set forth.

Regrettably, many of the recommendations contained in the previous report on the same issue and in resolution 1296 (2000) of last year have not been sufficiently acted upon. The lesson to be drawn is that, in addition to agreement on intent, we need to be clearer on how we ensure the follow-up. We need a road map for moving from intent to action. I shall return to this issue after having made the following observations on the basis of the recommendations in the report.

Norway welcomes the Secretary-General's call for a shift of focus in this debate from analysis to actual implementation. It is our sincere hope that today's debate will contribute towards this end. In this regard, we strongly endorse the approach of creating a culture of protection, with the aim of encouraging all relevant actors to live up to their respective responsibilities. National Governments, armed groups, United Nations Member States, the Security Council, other United Nations bodies, non-governmental organizations and others clearly have different roles and responsibilities in this field.

In line with this, any strategy aimed at enhancing the protection of civilians in armed conflict should take as a point of departure that the main responsibility lies with the national Governments. Moreover, the nature of most conflicts in today's world suggests an obvious need to engage armed groups in a constructive dialogue on protection issues.

In this context, efforts on the part of the Security Council and other international actors should be seen as complementary in order to provide civilians with the protection they are entitled to under international law. We believe this framework is fundamental in order to set goals which are realistic and achievable.

It bears recalling also that protection of civilians is not an option; it is a moral duty and a legal responsibility, which flow from the legal commitments in human rights and international humanitarian law. We cannot consider whether to provide safe and unimpeded access of humanitarian personnel to people in need; we are bound to. We cannot decide to ensure the well-being of refugees and internally displaced persons; we have to. The parties to a conflict cannot choose to ensure the safety and protection of humanitarian agencies and their workers; they are liable to criminal prosecution if they do not do so.

The ad hoc Tribunals established are already making essential contributions to truth and long-term reconciliation. We need to demonstrate the consistent and unrelenting commitment of the Security Council to fight cultures of impunity in armed conflict. The message should be that the Council, within its powers and mandate, will not passively stand by and accept that large-scale atrocities go unpunished. The implementation of recommendations 1 to 3 in the present report will represent important steps in that direction.

The permanent International Criminal Court which is in the process of being established has the potential to make decisive changes in the capacity of the international community to react in a timely manner to mass atrocities. A prospective institution rather than a retrospective one has clear advantages in this respect.

Norway wishes to place on record its high expectations that the Security Council will play an important triggering role in the establishment of the Court. We urge all States that have not yet done so to ratify or accede to the Rome Statute, as well as to all relevant instruments of international humanitarian law, human rights law and refugee law, including the 1994 Convention on the Safety of United Nations and Associated Personnel.

Moreover, we support the recommendations to emphasize the direct responsibility of armed groups under international humanitarian law for crimes against humanity, war crimes and acts of genocide committed by them. A practical tool in this respect is the promotion of international humanitarian law through

the International Committee of the Red Cross and United Nations broadcasting.

We also support engaging armed groups in a dialogue aimed at facilitating the provision of humanitarian assistance, inter alia, through increased interaction. Such contact should not in any way be understood to confer legitimacy on any group.

The safety and security of refugees is an important concern in armed conflict. A great threat to refugee security is the infiltration of armed elements in refugee-populated areas and the militarization of refugee camps. The Office of the United Nations High Commissioner for Refugees (UNHCR) has proposed the valuable concept of a "ladder of options" to ensure refugee safety, including different degrees of intervention, from an international presence to intervention requiring police or military force. We welcome the cooperation which has been established between UNHCR and the Department of Peacekeeping Operations in this regard, and we encourage the continued efforts to come up with practically oriented recommendations on this important issue.

Although complex and difficult to handle, the separation of armed elements from civilians clearly has great potential as a protection tool. It also constitutes an important measure in terms of preventing conflict escalation.

As regards further follow-up of this agenda item, we would recommend the elaboration of a so-called road map for further action. The recommendations in the Secretary-General's report involve different types of action to be undertaken by different actors. Some recommendations are already under way or are being implemented, while others will require further conceptual development of the topics concerned. We therefore support a regrouping of the recommendations, with the aim of establishing a targeted plan of action specifying who needs to do what, when and in what sequence. In this regard, we welcome the readiness of the Secretariat to report on the progress of implementation, as indicated by the Deputy Secretary-General in her statement.

We would suggest that the Secretariat be requested to present regular informal briefings to the Security Council on the progress of implementation on this topic. We suggest that the first briefing be given in six months' time, and thereafter as required. Furthermore, a new comprehensive report on the status of implementation of resolution 1296 (2000) and the recommendations in the Secretary-General's report should be forthcoming within 12 months of the first briefing on progress.

Moreover, to ensure proper follow-up, we also need to ensure a more interactive dialogue between the Secretariat and the Security Council. Closer cooperation between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations is therefore encouraged to ensure that protection-related considerations are integrated at the earliest possible stage of planning and implementation of peacekeeping operations.

More generally, there is also a need to ensure that the protection of civilians does not remain merely a thematic topic on the agenda of the Security Council. It should take its rightful place in all relevant matters addressed by the Council. The recommendations of the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Adviser on Gender Issues and Advancement of Women should also be fully considered in this context.

The issue of protection of civilians in armed conflict is an issue of paramount importance that is also of an operational character. It needs to remain on the Council's agenda.

Mr. Neewor (Mauritius): First of all, I would like to thank you, Sir, for your initiative to hold an open debate of the Security Council on the important subject of protection of civilians in armed conflict. We are grateful to the Secretary-General for his comprehensive report of 30 March on this subject. We also thank the Deputy Secretary-General for introducing the report this morning and the High Commissioner for Human Rights, Mary Robinson, for her presence and her statement.

This is an occasion to remind ourselves that the United Nations came into being precisely to prevent the recurrence of the horrible cruelties that millions of human beings suffered during the Second World War. The founding fathers of the United Nations, tormented by the death and destruction they had witnessed during the long years of the War, concluded that enough was enough and decided to create the institution of the United Nations in the hope that it would help end forever wars that had inflicted so much suffering on so many people. They acted to stop the killing of soldiers and civilians. They gave us the United Nations in order

that their dream of lasting peace and security for all peoples of the world might be secured.

The question we must ask ourselves today, half a century later, is whether we have lived up to that dream. Obviously, we have not. Instead, we, the Members of the United Nations, have either closed our eyes or stood callously by as despots, such as Pol Pot in Cambodia, Idi Amin in Uganda and other self-seeking individuals — for example, in Rwanda, in the Balkans and, more recently, in Sierra Leone — have engaged in terror and genocide against millions of their own people. We all have to search our consciences and come up with our own conclusions as to whether we have failed the millions of men, women and children who have died in the past few decades in civil conflicts in different parts of the world.

Armed conflicts not only bring about death and destruction, but also produce large-scale populations of refugees and internal displacements of men, women and children. These are people who are forced to live in misery and deprivation for years on end away from their native lands. The number of refugees and internally displaced persons around the world today has reached alarming proportions and continues to grow. These victims of armed conflict need the greater attention of the international community, for they cannot exist as forgotten people forever.

The countries that host masses of refugees in Africa are themselves poor and needy and undoubtedly stretch themselves to the outer limits of their possibilities in having these unwanted guests unendingly on their soil. These countries should receive the special attention of the community of donors.

We believe that there are two interlinked aspects to the problem we are addressing here. As long as there is armed conflicts, there is going to be human suffering as a consequence. We need therefore to look not only at the humanitarian dimension of armed conflicts, but also at the prevention of conflicts. The Secretary-General's report on the causes of conflict in Africa is a well-researched document that clearly identifies the root causes of conflict in Africa; it is also an important guide on how to prevent such conflict. We need to act on this important document. We suggest that an international conference be held at the summit level in the near future to address the questions raised in the Secretary-General's report. Such a conference should help define a package of measures that must be taken at the national and international levels for the prevention of armed conflict.

With regard to the humanitarian aspect, the Secretary-General's report of 30 March has made a number of recommendations, which need to be implemented by the United Nations system. The General Assembly and the Economic and Social Council have important roles in the implementation of the recommendations, but, in our view, the most effective way to protect civilians in armed conflict is to provide for the prosecution of those who perpetrate crimes against civilian populations. We believe that the International Criminal Court can be an important instrument in this regard. The perpetrators should know that there is no sanctuary for them anywhere and that, sooner or later, they will be held accountable for their crimes in an international tribunal.

We further believe that regional and subregional organizations have an important role in preventing conflicts, which invariably lead to human tragedies. In this regard, we have the examples of action by the Economic Community of West African States in the conflicts in Liberia and Sierra Leone. Another important example is the action of the North Atlantic Treaty Organization in the Balkans. Unfortunately, the regional and subregional organizations, in Africa in particular, do not always have the resources to intervene in conflicts in their regions. They need to be provided with the necessary means so that they may take timely action when conflicts loom in their areas.

We all know that it takes the United Nations generally too long to intervene in conflict situations. This is particularly true with regard to conflicts in Africa. A glaring example is the Democratic Republic of the Congo, where the deployment of the United Nations Organization Mission, approved by the Security Council almost two years ago, has been only partially achieved even today. In such situations, it is the civilian populations that suffer prolonged agony. This is a problem on which we should reflect very seriously. We also believe that all peacekeeping operations must have a human rights component to ensure strict compliance by the protagonists with all existing humanitarian laws.

Last but not least, the local and international media, as well as national and international non-governmental organizations, should be encouraged to

be more proactive in exposing violations of human rights and humanitarian law in conflict situations.

The conflicts that we have to deal with today are much more complex than those in the early days of the United Nations. But the response mechanisms of the United Nations in conflict situations have remained unchanged. This situation undoubtedly affects the effectiveness of United Nations intervention in present-day conflicts. We believe that the time has come to revisit and review the response mechanism available to us to address conflicts around the world.

The President: I shall now make a statement in my capacity as representative of the United Kingdom, after which I will suspend the meeting for lunch.

I, too, am very grateful for the statements of the Deputy Secretary-General and the High Commissioner, and to all members of the Security Council for approaching this debate in a very practical manner. I shall just add a few points within the context of the general statement which the Swedish Presidency of the European Union will be making this afternoon.

As the Secretary-General's report shows, this is a subject which concerns us all, but one to which the United Nations system has not yet made a real difference on the ground. We need to examine closely why it is that, as the Secretary-General commented in his report (S/2001/331), so few of his recommendations from September 1999 have been fully implemented. There are reasons why resolution 1296 (2000) was not able to endorse all of them. Some fell outside the Council's competence, some outside its reach in terms of what was practical or realistic. Others simply did not garner consensus. But where we have found consensus on a principle, we should have systems in place to ensure that we follow through with coherent and practical action. It is not sufficient simply to adopt a thematic resolution or presidential statement. In this area the particular challenge is to mainstream the commitments that we make in these decisions into our everyday work on country-specific issues such as Sierra Leone, the Democratic Republic of the Congo, East Timor, Afghanistan and many others.

It is also clear that the Security Council cannot succeed on its own. Making a difference requires the effort, cooperation and active involvement of the parties to conflict and of the wider United Nations system.

The primary responsibility rests with the parties to conflict. They must change their behaviour and live up to their moral and legal responsibilities. If they will not do so themselves, the international community should help them to do so. We must take further strides to combat the culture of impunity. All States should sign and ratify the Rome Statute of the International Criminal Court, and the proposed special court for Sierra Leone must now be established. Special representatives of the Secretary-General and special envoys should be asked to report on responsibilities ignored or abused, including by non-State actors.

The wider United Nations system — Governments, the Secretariat, agencies, funds and programmes — must also examine how best to make their contribution. This means a clear-sighted examination of which organ or body is best placed to take action, for example, and how Member States can help that happen. The report before us says that the Security Council should engage the parties to conflict in negotiations on access for humanitarian actors and undertake fact-finding missions. But in practice, these actions are those which are most likely to be taken up by actors that are represented in the field. Although the Council can put its political weight behind them, we must be clear about the most effective avenue of approach.

We therefore need clear arrangements for coordination within the United Nations — an improved system-wide approach that will consolidate the expertise of all relevant bodies without stifling the capacity of any to do the work that it does best. I hope that we will be able to discuss this further at the Council's meeting with the Economic and Social Council on Friday, and I take note with interest of Ukraine's proposal that the Economic and Social Council should join in fact-finding missions when it is relevant for the Council to institute them.

All of this will be without value, however, if we do not also make real strides to close the gap between ambition and capability. The practical commitments that we make must lead to a real difference in the protection of civilians on the ground. Our next steps, therefore, need careful consideration. I would counsel against a resolution or presidential statement taking action on the Secretary-General's report at this stage. They are too easy to agree in the language of political compromise and then to ignore the next time a crisis comes along. Instead, we should be thinking carefully

about how to meet the challenge the Secretary-General has given us in our everyday work.

I hope that in this context the Secretary-General will not limit himself to making recommendations on the protection of civilians once a year. Instead, he should do so every time he reports on an individual country situation where civilians are at risk, with clear and practical proposals for realistic and sustainable action in that case. One useful outcome of this debate would be for us to ask him to do that. Another might be to ask for reinforced structures on the ground — for instance, the establishment of automatic reporting procedures on abuses of human rights and the appointment of deputy special representatives with responsibility for coordination on the humanitarian implications of conflict, along the lines of the role played by Alan Doss in Sierra Leone.

We also need to accept that the success of our decision-making will in large part depend on the information and analysis that is placed at our disposal. We should consider what role there might be for the Executive Committee on Peace and Security, and whether there is need for a permanent capacity in the Secretariat — perhaps a cross-cutting team in the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations — to address the protection of civilians.

Finally, there is the all-important regional context. We agree that it is time to forge operational links with the regional and subregional organizations that can bear the weight of the work that we collectively have to do. Here I entirely agree with the proposals made by the representative of Mali on the capacity of the Economic Community of West African States and the need for the Security Council and the United Nations system to look at the capacity-building aspects of our link with regional and subregional organizations. We have to analyse carefully the obstacles to the effectiveness of peacekeeping operations and put in place sensible solutions to them. The Secretary-General's proposal on media monitoring mechanisms is a good example. We must also recognize that civilians, so often the victims of conflict, are individuals in specific circumstances with particular protection needs. Whether they are children, women or other vulnerable groups, their needs must be properly identified and met. As we mainstream the Secretary-General's recommendations on civilians in our everyday work, we should be sure to do the same in implementing resolution 1325 (2000), on women and peace and security.

In short, there is no need for further recommendations of a general nature. We have them already. The Council and its United Nations partners now have to assess themselves for their success in achieving results.

I now resume my functions as President of the Council.

I should like to thank members of the Council for their contributions this morning. I shall now suspend the meeting. We will resume at 3 p.m. with a contribution from the Under-Secretary-General for Humanitarian Affairs, Mr. Kenzo Oshima, and then move on to the list of speakers under rule 37.

The meeting was suspended at 1.30 p.m.